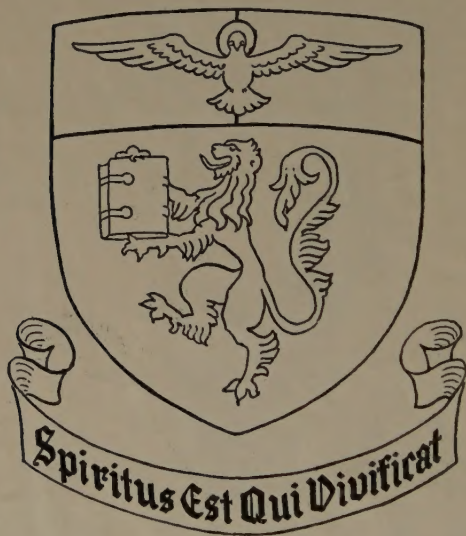


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To of Hon. Karlau F. Stone
With respectful regards and return
Frank. Williams

Boston
March 4th 1929



*Caleb Cushing in 1852
as Justice of the Supreme Court of
Massachusetts*

THE LIFE OF CALEB CUSHING

By
CLAUDE M. FUESS

VOLUME I



NEW YORK
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AFFECTIONATELY DEDICATED
TO THE
NEPHEW AND NIECES
OF
CALEB CUSHING

JUN 6 1962

PREFACE

DURING the last lonely months of his life, Caleb Cushing attended personally to the final classification of the accumulated papers of nearly sixty years, which were then arranged under his direction and placed in storage. There most of them lay from the time of his death in 1879 until 1915, when, through the courtesy of his heirs, I was permitted to inspect them. The collection comprised over forty large wooden boxes, containing letters and newspaper clippings, divided roughly by periods. The business of examining this material was as romantic as prospecting for gold. After hours spent in deciphering utterly worthless correspondence, one would come suddenly upon a neatly labeled package of letters from Webster or Whittier or Choate, sometimes of rare value to the historian. The drudgery involved was not only endurable but fascinating because of the rewards which it offered.

In the course of seven or eight years, — interrupted, of course, by the World War, — I have been able to read virtually all the Cushing manuscripts, and they have been used as a basis for this biography. Obviously there are many which, for one reason or another, it was not practicable to incorporate in the book. Feeling that irrelevant material had no place in such a volume, I have not hesitated to omit from letters any sentences or paragraphs which had no bearing on the subjects discussed. Nothing has been done, however, in the way of expurgation or the omission of facts not creditable to Cushing, and, wherever it has been possible, letters have been printed complete. As will be seen, a large proportion of them have never before been published.

PREFACE

My obligation is great to the members of the Cushing family who have generously allowed me access to this treasure-trove, — especially to Miss Margaret Woodbridge Cushing and Mr. Lawrence Brown Cushing, of Newburyport, Mrs. Charles N. Toppan and Miss Fanny Cushing, of Cambridge, and Mrs. Francis Abbot Goodhue, of Andover. These persons have also read a considerable portion of the book in manuscript and have submitted helpful criticisms. Others who have assisted me with their advice are Professor Charles H. Forbes, of Andover, Mr. Roy F. Nichols, of New York City, Mr. Markham W. Stackpole, of Milton, Mr. Horace M. Poynter and Mr. Harold C. Stearns, of Andover, and Miss Ellen G. Todd, of Newburyport. The officials of the Boston Athenaeum and of the Congressional Library have been most liberal in their aid. To Mr. Archibald Freeman, my colleague and friend, I am deeply indebted, for he has accorded me the benefit of his extensive knowledge of American history and his accurate scholarship. My wife has been very patient with my absorption in these researches, and has contributed no small share to whatever merit they possess.

It is with regret that I leave off an avocation which has filled many glorious mornings at Dublin, New Hampshire, and has been the solace of winter evenings at my Andover fireside. No one can abandon the occupation of years without a sense of sadness. Which of us hath his desire, or, having it, is satisfied? That my work should be free from mistakes cannot be hoped or expected. I have, however, tried in all sincerity to portray this man as he appears in his correspondence and his public utterances and acts. If I have failed, the fault is not his, but mine.

ANDOVER, MASSACHUSETTS

January 1, 1923.

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INTRODUCTION

“In men whom men condemn as ill
I find so much of goodness still,
In men whom men pronounce divine
I find so much of sin and blot,
I do not dare to draw a line
Between the two, where God has not.”

JOAQUIN MILLER, *Byron*.

ALTHOUGH more than forty years have passed since the death of Caleb Cushing, no extended biography of him has yet been prepared. Clay and Webster, Calhoun and Douglas, and even their lesser contemporaries, have had their eulogists, but of Caleb Cushing no historian has had very much to say. Whatever may have been the cause for this neglect, we cannot doubt that, on the whole, it has been fortunate for his reputation. In the first place, it is only recently that his own manuscripts and papers have been accessible, and no account of his career would have been complete without the information which these documents contain. In the second place, he could not have been judged fairly at any period much before the present. During an age in which partisanship ran to extremes, Cushing made implacable enemies. He was not a figure whom Massachusetts abolitionists and their descendants could regard or remember with affection. Born of as good old Puritan stock as they, he had dared to break with some cherished New England traditions. In a community where “good society” was ardently Whig, he abandoned that party to join the Democrats and thus antagonized the political hierarchy on Beacon Hill. At

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a time when Massachusetts was violently denouncing Southern influence, he had allied himself with Southern statesmen. Few men have aroused more enduring animosities or have been more egregiously slandered. Fierce fires were kindled in men's hearts during that controversy, and to have written the story of Caleb Cushing while these passions were still aflame would have been both difficult and unjust.

To-day, however, we can look back with a less biased judgment, better able perhaps to weigh evidence, estimate motives, and trace out cause and effect. The material which was not available half a century ago is now within reach. We have more real information than could have been found in 1880: events which once seemed obscure in their origins can now be explained; actions which were mysterious have become clear as day. Seen in the perspective of time, men take on their correct stature, and truth at last prevails.

Caleb Cushing was destined, at every turn in his long career, to confront the problems connected with negro servitude. Virtually every public man of that generation in the United States had to come to some decision on this critical question, and it brought disaster even to such strong figures as Douglas and Lee; but it was Cushing's peculiar fate to be thrown face to face with it from its first crisis, in the Missouri Compromise of 1820, to its partial solution in 1877, when the Northern troops were at last withdrawn from all Southern states. The older group of statesmen, — Webster, Clay, Calhoun, and John Quincy Adams, — died before the intermittent quarrels between the two sections reached their painful culmination in 1861; their successors, — Evarts, Hoar, Conkling, Blaine, and Sumner, — were, with the exception of the last-named, mere children when Webster

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stirred American nationalism with his *Reply to Hayne*; but Caleb Cushing, as spectator and participant, was intimately associated with almost every phase of the conflict. His political life, indeed, runs parallel, from beginning to end, with that stupendous five-act drama of anti-slavery agitation, sectional hatred, civil war, reconstruction, and reconciliation. He was not always a protagonist or even a speaking character, but there were few scenes during which he did not stalk across the stage, and there were none of the players whom he did not know.

Grappling with the mighty issues of his era, Caleb Cushing sometimes made mistakes, and occasionally, in a moment of doubt, chose what seems to us in our wisdom to have been the wrong path. For these faulty decisions he had to endure his full meed of censure. We shall do well, however, if we remember that the straightest road was not always easy to discover in those days when reason was obscured and even blinded. Clay and Webster had their own moments of hesitation and blundering; and when Cushing, according to our ideas, went astray, he often had them as companions in error. He would have been more than human if he had not been duped now and then by wandering and deceptive voices.

And yet to all his conduct there remains a sure key, — his love for the Union. He could say with peculiar emphasis of America:

“That dear name
Comprises home, kind kindred, fostering friends,
Protecting laws.”

Professor Theodore Clark Smith, in his *Parties and Slavery*, has an illuminating passage which has a marked bearing on this matter. Referring to the conservative leaders of the “’30’s” and “’40’s,” he says:

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"The distinguishing feature of the older group was the strong Unionism of its leaders, whether Whig or Democratic. The peace, perpetuity, and strength of the Union stood in their eyes above all other political ideals; and when the slavery question arose and extremists in north and south insisted on forcing the sectional issue, they were alarmed and horrified. Their principles in politics were imbibed when most of them entered political life, in the nationalistic era of 1810-30, and they felt called upon neither to approve nor to condemn slavery, nor, in fact, to concern themselves with it. In their eyes the moral earnestness of the abolitionist was as incomprehensible as the sincere sectionalism of the secessionist was abhorrent; and they were amazed and grieved by the fierce disapprobation of compromise by both kinds of extremists. Considering slavery outside the realm of legitimate political discussion, they tried to exclude it first by their disapproval and then by compromise."

These men had seen the country almost rent asunder more than once during the period between the adoption of the Constitution and the close of the second war with England, and they cherished its integrity with an intensity which seems almost fanatical but which was justified by their experience. Under these unionists Cushing received his political education, and he never forgot that early training. Beneath what, to his opponents, seemed inconsistency lay this underlying hope of bringing his country through the slavery ordeal unscathed and intact. Towards the end of his days, he said, with unmistakable sincerity:

"Every act of my political life, in whatever relation of parties, was governed by the single dominant purpose of aiming to preserve the threatened integrity of the Union."

Garrison's burning of the Constitution of the United States seemed, then, to Caleb Cushing an intolerable sacrilege, as if an unbeliever had laid wanton hands on the Ark of the Covenant. Indeed the more extreme aboli-

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tionists, standing, as they did, openly for disunion, were responsible for driving both Webster and Cushing into what sometimes resembled a defense of the South. On the other hand, when the South itself took the lead in breaking the bond between the states, Cushing promptly made his decision. He opposed Jefferson Davis for precisely the same reason that he denounced William Lloyd Garrison, — because he saw that each was menacing the Union. From that hour when South Carolina fired on the flag, Cushing's sympathies were with the North, and he never wavered in his allegiance.

He was intensely, perhaps narrowly, American. His aggressive foreign policy, his advocacy of "manifest destiny," even his inveterate Anglophobia, were expressions of this absorbing patriotism. In every matter of diplomacy with which he was concerned, he pushed our interests to the verge of war, and sometimes beyond it: in Texas, in Oregon, in Mexico, in Cuba, in the Cramp-ton affair, in the *Trent* controversy, in the dispute over the *Alabama* claims. He represented the type of American which Europeans used to portray as arrogant, pugnacious, and boastful, but which we prefer to describe as independent, fearless, and proud. His defects, in this respect, were those of his generation, which combined an abnormal sensitiveness with a marked consciousness of self.

If Caleb Cushing had realized that his story would ever be thought worth the telling, he would doubtless have cautioned his biographer in the spirit, if not in the words, of Othello:

"When you shall these unlucky deeds relate
Speak of me as I am; nothing extenuate,
Nor set down aught in malice."

THE LIFE OF CALEB CUSHING

He shunned indiscriminate eulogy as he despised obloquy that was undeserved. This book, then, is neither a vindication nor a defense. It aims simply to tell the truth regarding a man who, though far from infallible in his judgments, usually acted from lofty and consistent motives, and who, in his service to our government, was one of our most useful citizens.

CHAPTER ONE

AN OLD TOWN BY THE SEA

“Its windows flashing to the sky,
Beneath a thousand roofs of brown,
Far down the vale, my friend and I
Beheld the old and quiet town.”

WHITTIER, *The Preacher*.

A MASSACHUSETTS man by birth and education, Caleb Cushing was all his life associated with Newburyport, the quaint New England city lying on the coast, where the Merrimac River meets the ocean. Some of the modern Newburyport is ugly and commonplace; but if, leaving the harbor and the business district, we stroll to the picturesque High Street, we find ourselves among houses which betray their aristocratic past. To its more elderly inhabitants it is a place of memories rather than of hopes; but, like nearly all New England shore towns, it is still fascinating. To loiter down the stately avenue, past imposing colonial mansions and sequestered gardens, is to bathe one's soul in the veritable atmosphere of a more leisurely century. One feels that here, behind these carved door-ways, must be lurking a hundred unrevealed romances, if one could but search them out. Hawthorne, with his unfailing sense for secrets, would have been at home here as well as in Salem, and might have immortalized some of the mystery, the suffering fidelity and loneliness, which these walls have sheltered.

Newburyport, like Salem and Portsmouth, — the three ancient seaports should be classed together, — looks its

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age. Smartly attired girls and flashy youths seem out of harmony with its immemorial elms, and do not fit into their surroundings. So a Birmingham artisan might feel not quite comfortable in Oxford or in Lynton.

Yet Newburyport has not always been as it is to-day. Where the wharves lie, deserted, rotting, sometimes tottering on their foundations, noble vessels were once building, destined to cruise "beyond the sunset." The ship-carpenter, the caulker, and the sail-maker never lacked for employment along the quays. Many a substantial fortune was won or lost by the turn of wind and waves. The scent of salt spray was like tonic to every merchant and trader; the sea gave them a living, permeated their daily routine even on shore, and brought them strange gossip from distant lands. Dwelling, as they did, by the waters that washed other continents, the Newburyport citizens were cosmopolites, in touch with wider interests than their inland neighbors. Those years of the late eighteenth century were pleasant and prosperous, when money came easily and was spent lavishly, when any captain had a right to expect that he might, after some lucky voyage, have one of those huge brick houses for his own.

Most American villages lack character. A traveller may justly complain that he finds in each the same want of originality, the same mediocrity of architecture, the same failure to attain distinction. But Newburyport, partly because of certain foreign touches brought in by its sailors, had, at the time when Caleb Cushing was born in 1800, very little of the ordinary about it. Some of the more palatial residences had unique and beautiful features, and contained rich treasures from China and the equatorial isles. On the High Street stood the far-famed home of the notorious "Lord"

AN OLD TOWN BY THE SEA

Timothy Dexter, with forty pedestals in front, on each of which was placed a crude wooden statue representing some mythological or historical personage, or even some grotesque animal or bird. Little Caleb Cushing must often have walked by the swinging gates and wondered at the gaudily painted images behind the fence which shut off the estate from intrusive visitors.

Even in respect to size, Newburyport could not then be ignored. The third town in Massachusetts in 1801, it yielded precedence only to Boston and Salem, and its citizens had their proper share of local pride. If its population, — 5945 in 1800, 7637 in 1810, and 6852 in 1820, — seems small to us to-day, we must remember that the urban age of American history was still to come. Newburyport was the logical shipping center for an extensive country-side, and its importance, commercially and politically, was everywhere admitted. There were months in the eighteenth century when over a hundred vessels were being built at one time along the banks of the Merrimac below the Essex Bridge. As a town, it was far from provincial, and socially its residents claimed rank with the first families of the Commonwealth.

Newburyport had already, like certain other exceptional American communities, — Williamsburg, Virginia, being the most conspicuous example, — had its coterie of brilliant men. Just as Williamsburg was the cradle of the Southern State Rights movement, so Newburyport was the rallying center for the Essex Junto, that body of New England conservatives and aristocrats who believed in the rule of the "wisest and best," and among whom Federalism made its last unavailing stand. Here dwelt Tristram Dalton, one of the first United States Senators from Massachusetts, and Theophilus Parsons, later Chief Justice of the Supreme Court of Massachu-

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setts, in whose law office several able young men, including Rufus King, Robert Treat Paine, and John Quincy Adams,¹ were grounded in their legal education. Here also were Stephen Hooper, Jonathan Jackson, Nathaniel Tracy, the Reverend Thomas Cary, William Coombs, Esquire, and Judge John Lowell, most of them wealthy and influential, and all of them agreed in their distaste for what we should now call "popular government." It was a society of keen minds and stout hearts, of which any one might have been proud to be a member.

Newburyport, moreover, was located in Essex County; and in that narrow strip of land along the Atlantic coast were born, in the decade before the Embargo, a number of remarkably gifted men. Rufus Choate, in 1799, at Ipswich; Caleb Cushing, in 1800, at Newburyport; Nathaniel Hawthorne and William Lloyd Garrison, in 1804, the one at Salem, the other at Newburyport; Robert Rantoul, in 1805, at Salem; and John Greenleaf Whittier, in 1807, at Haverhill: this is an extraordinary group of representative Americans. It was one of those fortunate periods when all the forces of heredity and environment seem to have worked in concert to produce and develop genius.

Caleb Cushing's early childhood was spent in the Newburyport of these golden days; but not long after he had entered school, there came a series of disasters, through which the prosperity of the town was irrevocably impaired. The Napoleonic wars had, of course, some-

¹ The best picture of the Newburyport of the late eighteenth century is to be found in some pages of Adams's *Diary*, recently printed as a separate volume, under the title *Life in a New England Town, 1787, 1788*. The society herein portrayed is sometimes rough and marked by overmuch carousing and gambling; but it is also lively and intellectual, and seems to have given pleasure to Adams, who, even as a youth, was no roistering blade.

AN OLD TOWN BY THE SEA

what discouraged ship-owners, who were constantly in danger of having their vessels raided or destroyed by marauding British cruisers; but their alarm had not driven them from the sea. The hazard to be risked added zest to the adventure, and Newburyport ships still sailed every ocean. In 1805, the port boasted forty-one ships, sixty-two brigs, two snows, and two barques, not to mention sloops and other smaller craft. In one month of that year the imports amounted to over \$800,000. But the Embargo Act, signed by Jefferson on December 22, 1807, was more of a catastrophe than war would have been. It prohibited all export trade, and thus, by one stroke of the pen, annihilated the chief source of the town's revenue. It is true that the Act was not infrequently evaded; but it is equally certain that its enforcement brought about widespread distress. In May, 1808, Newburyport addressed the President, predicting the impending ruin of all local commerce and industry; and the first anniversary of the Embargo was observed mournfully by the tolling of bells and a funeral cortège which moved slowly through the streets and along the wharves.

The suffering caused by these restrictive measures was augmented by a great fire which, in 1811, devastated over sixteen acres in the most compact and densely populated portion of the town, leaving over ninety families without a roof over their heads. From these cumulative calamities Newburyport was long in recovering. Enterprise was checked; investors grew timid; and, even when peace came, prosperity was delayed. Merchants and contractors had no capital to meet the competition which other cities were beginning to show. Society, after the war of 1812, was in a state of inertia, languid and unprogressive. Some more energetic persons, among them Caleb Cushing's father, were able, in the midst of changed conditions,

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to accumulate comfortable fortunes; but the golden age of Newburyport, of silks and fine array, of coaches and sumptuous entertainment, had departed.

By the time that the town had begun to recover from its misfortunes, Caleb Cushing had reached manhood, and a new generation had seized the leadership of affairs. Of this younger group he himself became the most active and ultimately the best-known. Indeed it may be said that he was, for fifty years, Newburyport's foremost citizen. To that place we shall see him returning, after success or failure, to receive the congratulations or the condolences of his friends. By it, and its associations, he was powerfully affected. No office in its gift was too insignificant for him to accept; none of its duties was too trivial for him to perform. What Ashland was to Henry Clay, what Marshfield was to Daniel Webster, Newburyport and its High Street were to Caleb Cushing. The Honorable George B. Loring, speaking of Cushing's pre-eminent position in his community, once said:

"The fathers who first voted for him have passed; their sons have come and gone, and their grandchildren are now the actors; but they have all been the same towards him."

Wherever he wandered, Newburyport was the background against which Caleb Cushing played his varied rôle on the stage of national affairs.

CHAPTER TWO

A NEW ENGLAND BOYHOOD

“With rarest gifts of heart and head
From manliest stock inherited.”

THE world into which Caleb Cushing was born, just as the nineteenth century opened, seems to us almost like another planet. The young American constitutional government, not yet eleven years old, was struggling to hold together, in spite of domestic intrigues and foreign conspiracies. The bulk of the country still lay along the seaboard east of the Alleghenies, and the entire population did not go much beyond five million, of whom one-fifth, at least, were negro slaves. Massachusetts had only a little over 400,000 inhabitants, fewer than Boston has to-day; while Boston, which is described as like “an old-fashioned English market-town,” could boast only 25,000 people. Communication between the various sections was difficult, and had to be made on horseback or by stage-coach, with many attendant inconveniences. In 1801, a stage left Newburyport daily at seven o'clock in the morning, arriving in Boston at four in the afternoon. When the turnpike between the two places was completed in 1806, rather more rapid time could be made. Not until 1840, however, could Caleb Cushing go from Newburyport to Boston entirely by railroad. The trip to New York from Boston, in 1800, by the fastest possible route, consumed at least three days. Nobody, unless he were a government official, then went to Washington; but, if a traveller did arrive there, he found the

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newly laid-out city to be a "fever-stricken morass," at the opposite ends of which the White House and the Capitol, both unfinished, faced one another in melancholy fashion.

Although Caleb Cushing was brought up in one of the most civilized and enlightened sections of the nation, he had actually few more luxuries than his first American ancestor, seven generations back. In his own home, well-equipped though it was according to the standards of the time, there were no bath-tubs, no matches, and no furnace heat. The rooms were warmed by fireplaces, and lighted by candles or dim oil-lamps. The water supply came from wells, and there were no sanitary regulations to be enforced. The churches on Sunday were cold and bleak, and the congregation usually sat shivering while they listened to doctrines of hell-fire. The streets, even in Boston, were poorly paved with round cobble-stones, and wretchedly illuminated at night. Books were far from plentiful, and newspapers were sadly provincial. There was little to suggest the marvellous progress which mankind, before the close of that century, would accomplish in adding to its material well-being. Steamboat and railroad, telegraph and telephone, automobile and airship, were then conceptions beyond the reach of men's souls.

Caleb Cushing's childhood came at a time when the Federalist Party, represented by Washington, Hamilton, and John Adams, was reluctantly giving way before the democratic movement represented by Thomas Jefferson. New England was a stronghold of Federalism, and Newburyport was a center of the most rigid Federalist doctrines, — belief in the necessity of a limited franchise, in the desirability of government by the most intelligent citizens, in the continuance of the established order, and in the development of a highly centralized national administration. In his own home, as a boy, Cushing heard

A NEW ENGLAND BOYHOOD

Jefferson denounced as a radical and a revolutionary, as an atheist and a scoffer. When, in February, 1801, the House of Representatives elected Jefferson as President, it seemed to the New England conservatives as if the world had been turned upside down. In the election of 1800, Massachusetts chose Caleb Strong, a Federalist, as Governor by a large majority, and the legislature appointed sixteen Federalist electors. Even when, in 1804, Massachusetts named electors for Jefferson instead of for Pinckney, Caleb Cushing's father remained constant to his Federalist allegiance. The statesmen who were most frequently quoted and praised in the Cushing household were Timothy Pickering,¹ Adams's Secretary of State, who actually, during Jefferson's period as President, was the open advocate of disunion; Fisher Ames,² the witty and brilliant defender of aristocracy; and George Cabot, later the presiding officer of the Hartford Convention, who once said, "I hold democracy in its natural operation to be the government of the worst." These men were agreed in their conviction that the election of Jefferson meant the doom of the nation, and that the issue of his rule would be anarchy, desolation, and civil war. Caleb Cushing was nourished on their ideas, but he lived to see their prophecies refuted.

¹ Timothy Pickering (1745-1829) was born and died in Salem, where he held many local offices. He fought in the Revolution, carried on diplomatic work for the new nation, was made Postmaster General by Washington in 1792, and remained in the cabinet until 1800, when he was removed by Adams. Later he was Chief Justice of the Court of Common Pleas in Essex County, United States Senator (1803-12), and Representative in Congress (1813-17). He held the most reactionary of Federalist tenets.

² Fisher Ames (1758-1808), a lifelong resident of Dedham, was a member of Congress for eight years during Washington's administrations, where he made an enduring reputation as a ready and keen debater, and the most gifted writer among the Federalist group.

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In the conversations around the fireside in the Cushing home, there was probably little reference to negro slavery, for in 1800 it seemed impossible that the country would ever be split asunder on that subject. Human servitude was not defended by many, even in the South; Washington and Jefferson for once were joined in their recognition of the economic weaknesses of the slavery system; but no one seemed profoundly stirred over the moral questions involved. Under the Constitution, the slave trade could not be abolished until 1808, but on January 1 of that year it was duly prohibited by act of Congress, without much discussion. In 1790, the House of Representatives quite casually passed a resolution that Congress has no power to interfere with slavery in any state, and no one seems to have made any protest against it. But the invention of the cotton gin in 1793 soon altered conditions. While Caleb Cushing was growing to manhood, slavery was getting a hold in the South so firm that it is a wonder that it was ever shaken off.

It was under these conditions, then, that Caleb Cushing passed his early years. Although his first recollections were of Newburyport, he was born, January 17, 1800, on the northern side of the broad Merrimac, in the ancient township of Salisbury. His birthplace was neither a log cabin nor a mansion, but a modest farm dwelling of very plain exterior, standing near the junction of "Mudnock Road" and "the old highway leading to the mill." For the boy, this temporary residence had no attractive associations, and he never thought of it as home. It shortly passed into other hands; but when Caleb Cushing was an old man, the unsightly place, with its dingy walls and torn shingles, displeased him, and he bought it only to have it razed to the ground. The foundations are still faintly outlined, but the stones are carpeted with clover,

A NEW ENGLAND BOYHOOD

and nothing remains to stir the imagination of the passer-by.

If, as New Englanders like to believe, good blood always tells, Caleb Cushing was fortunate in his heritage. He came of most respectable ancestry, tracing his lineage back, in unbroken succession, to Matthew Cushing (1589-1680), of Hardingham, England, who, in 1638, with his wife, Nazareth Pitcher, and five small children, sailed from Gravesend in the ship *Diligent*, anchoring in Boston Harbor. This Matthew Cushing belonged to a reputable Norfolk family of landowners; the line, at Caleb Cushing's instigation, was pursued by zealous antiquarians back to a William Cushing of the fourteenth century, and even more remotely to a certain Ralf de Limesi, a nobleman who came to England from Normandy with William the Conqueror. It was Matthew Cushing's unsuspected destiny, however, to be better known as an ancestor than as a descendant, and he became the American patriarch of a distinguished posterity.

Among this posterity were several persons notable in the annals of the Massachusetts Colony. His grandson, Caleb Cushing (1673-1752), the first of that given name in the family records,¹ was a Harvard graduate and clergyman of the First Parish in Salisbury, Massachusetts, for nearly fifty-six years. His son, Judge Caleb Cushing (1703-1797), was for twenty-seven years a representative in the General Court, was a delegate at the age of seventy-five to the Constitutional Convention of 1778,

¹ The somewhat unusual name "Caleb" was evidently derived from the Old Testament hero, Caleb, son of Jephunneh, who, as one of the forerunners sent out by Moses to the Promised Land, reported that it could be conquered, and, because of his faithfulness, was later rewarded with the territory of Hebron. The story is found in the thirteenth chapter of *Numbers*. In *Numbers* 32, 12, Caleb is casually mentioned as one who had "wholly followed the Lord."

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and became Chief Justice of the Court of Common Pleas. In his aggressiveness and versatility he foreshadowed his more famous namesake of the nineteenth century.

Judge Cushing's elder son, Benjamin, inherited little of his father's energy. He enlisted in the Revolutionary forces, but when the war was over, he was content to settle down to a quiet, bucolic existence on his farm in Salisbury. Of his seven children, three daughters died in infancy; one son was lost at sea; another grew to manhood, and was a ship master, residing in Philadelphia, where he died in 1820. Only one daughter and one son, John Newmarch Cushing (1779-1849), were left to comfort their father in his declining years.

Fortunately John Newmarch Cushing was no idler: reverting in his character to the judge, his grandfather, he had a dogged perseverance which was a guarantee of success. He left school in early life and, feeling the call of the sea, made several profitable voyages to Europe and the West Indies. At an age when most present-day youths are still in college, he was so far financially his own master that he could take a wife, — Lydia Dow, of Seabrook, a neighboring New Hampshire township. She was a dark-eyed, dark-haired girl of nineteen, slender, graceful, and rather frail, with a quickness of wit which delighted her more sedate husband. Caleb Cushing, the subject of this biography, was their first-born and only surviving son.

From his ancestors, Caleb Cushing inherited a sturdy physique. The Cushings were all big-boned, robust men, who lived beyond the allotted span of life.¹ They were,

¹ Caleb Cushing certainly came of long-lived stock. His male ancestors in the direct line, beginning with Matthew Cushing, attained the ages of 71, 68, 79, 94, 71, and 70, — an average of more than seventy years. His grandfather, David Dow, died at the age of seventy-three; and David Dow's wife lived to be ninety-



John Newmarch Cushing
From a miniature in the possession of
Lawrence B. Cushing, Esq., of
Newburyport, Mass.

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furthermore, with only one or two exceptions, remarkably energetic and forceful, taking a leading part in their respective communities. Of unblemished character and reputation, they had kept the family name untarnished. In practical affairs they were usually very successful, and their judgment seems to have been trusted by others. Only on the artistic or aesthetic side were they noticeably deficient; and the hard duties of pioneer life furnish an ample excuse for any failure on their part to cultivate a love of the beautiful in literature or music. It was doubtless from his mother, Lydia Dow, that Caleb Cushing derived a sensitiveness and delicacy of taste which added a new strain to the Cushing blood.

In 1802, John Newmarch Cushing, presumably for reasons connected with his growing business, moved to the larger and more prosperous settlement of Newburyport, two miles to the south. Temperamentally he was enterprising and sanguine. Under Queen Elizabeth he would have been a "marchaunt adventurer," like Frobisher or Drake, — "all for Eldorado and to sail the world around." In tamer times he had to resort to trading cruises for solace to his roaming spirit. Like most self-made men, he was positive in his opinions to the point of stubbornness; yet he was never reckless, and a conservative bent of mind kept him wary of rash speculations. The same tendency which led him to be distrustful of innovations made him a Federalist in politics. His shrewdness and coolness were instinctive, and he learned from the mistakes of others how to avoid trouble.

To such a pioneer hardships were only challenges to
eight. When Caleb Cushing was asked in 1877 a question regarding one of his remote ancestors, he wrote in reply: "When and where Peter Cushing died, I have never been able to discover, and for aught I know he may be living yet, taking into consideration the very suspicious conduct of his family in that respect."

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achievement. By 1806, he was master and part owner of the *Hesper*, three hundred tons register. Aware of the profit to be derived from commerce with the Far East, he was soon sending ships to India. Even through the lean Embargo period, he was away on long voyages during the greater part of each year. His wife, Lydia, died in 1810, and five years later he married Elizabeth Johnson, one of four sisters famous for their beauty. It was as a concession to her that he then began to curtail his travels and to content himself with the less hazardous occupation of importer and ship-owner. In middle life he controlled a fleet which carried on a remunerative traffic with Holland, Russia, and the north of Europe. From 1830 to 1848, thirteen ships were built for John Newmarch Cushing in the yards of Stephen Jackman, Jr., alone.

Caleb Cushing's first memories, then, were of ships and sailors. As a youngster he often watched the tall vessels, with their canvas partly unfurled, glide, fresh from the quays, out of Newburyport harbor,—that harbor which most of them never entered again, for the entrance, in spite of ceaseless dredging, was so shallow that no large ship, even partly-laden, could pass the bar at the mouth. He used to sit wide-eyed and breathless while his father, home from his travels, would spin romantic tales of distant lands and of odd and unfamiliar customs. He needed no one to explain to him the significance of the Embargo Act. Perhaps his father may have read to him the gloomy lines printed in the Newburyport *Herald* on Independence Day, 1808:

“Our ships all in motion, once whitened the ocean;
They sailed, and returned with a cargo:
Now doomed to decay, they have fallen a prey
To Jefferson, — worms, — and Embargo.”

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He saw the parade on the first anniversary of the Embargo Act, in which a procession of sailors marched, with bands of crape on their arms, drawing a dismantled ship, over which waved a flag inscribed, "Death to Commerce! "

Of his school-days little can be learned. All the anecdotes told of him in his boyhood deal with his passion for knowledge. If he played and quarreled with his mates, no one has troubled to record the details. He was extraordinarily precocious, and, when barely out of his kilts, would read until he was so tired that he could not sit in his chair; then he would change his posture by getting on his knees on the floor, resting his arms on the seat, and, thus propped up, would continue to pore over the pages until he fell asleep from sheer exhaustion. A friend used to describe the secluded cabin which he built for himself in the woods near the shore, where he could read without fear of interruption. He was not altogether indifferent to out-door pastimes. Before he was twelve, he had his own gun, and went hunting along the bird-haunted beaches of Plum Island and Hampton. Most games, however, he viewed as a waste of time, and his love of books, then as in his maturity, transcended his interest in his fellows.

When Caleb was ten years old, his grandfather, Benjamin Cushing, died, and a few weeks later the boy also lost his mother, who was a victim of the dreaded "consumption," — pulmonary tuberculosis, — which was so fatal in our New England climate. He and his five-year old sister, Lydia, were then left much to themselves, for their busy father could bestow but little care upon his children. Between 1810 and 1813, in some of his most impressionable years, Caleb spent his time very largely with older people, partly with his "Aunt Boddily" (his

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father's sister), who lived in Newburyport, and partly with his grandmother Cushing, in Salisbury. In their company, he became rapidly mature, as children do when they lack the companionship of friends of their own age. Meanwhile he was being educated under Michael Walsh, an eccentric but much respected Irishman, who kept a small private academy, in which much better instruction was given than could be obtained in the public schools.

Under Master Walsh's thorough and sympathetic teaching, Caleb Cushing made consistent progress. When he was thirteen, he had advanced so far that nothing remained but to send him to college, and accordingly he took his entrance examinations for Harvard. These were then oral, lasting all day from six in the morning until six at night, with half an hour for luncheon. He was tested in Greek, Latin, and Arithmetic, each one of twelve college officers taking a small section and passing it on, when he had finished with it, to one of his colleagues. It was a physical as well as a mental ordeal, but Caleb Cushing seems to have survived it, for he matriculated in the autumn of 1813. The Cushing name was known at Harvard,¹ and John Newmarch Cushing took pride in being able to enroll his promising son in what was the natural place of education for his family.

¹ Among Caleb Cushing's relatives were several distinguished Harvard graduates. Judge William Cushing (1732-1810), a second cousin of Caleb's grandfather, Benjamin, was the first Chief Justice of Massachusetts under the Constitution, and one of the first Associate Justices of the Supreme Court of the United States; he was named in 1796 by President Washington to succeed John Jay as Chief Justice, and was confirmed by the Senate, but declined the appointment because of ill health. Another well-known Harvard Cushing was Thomas Cushing (1725-88), who was Speaker of the Massachusetts House from 1764 to 1774, and Lieutenant-Governor under Hancock and Bowdoin, 1779-88. A mural tablet on his tomb, surmounted by the Cushing coat-of-arms, may be seen in the Granary Burying Ground in Boston.

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In the fall of 1813, then, little Caleb Cushing, temporarily forlorn but not at all discouraged, settled down in his room at "Mr. Morse's," in Cambridge, prepared to make the most of college. It was in the very midst of war times: indeed, only a few days later the news arrived of Perry's naval victory on Lake Erie, and Caleb, regardless of the anti-war feeling which he had imbibed at his father's table, could not help rejoicing at this triumph of American seamanship and strategy. It was in the following summer, at the close of his Freshman year, that we endured the ignominy of Bladensburg and the burning of our national capital; and it was during his Sophomore year that Jackson won the battle of New Orleans. When the signing of the Treaty of Ghent was announced in February, 1815, the undergraduates celebrated with a huge bonfire and a general illumination, accompanied by less innocuous diversions. Under the influence of these events, Cushing caught the spirit of "young America" as displayed in the patriotic speeches of Clay, Calhoun, and Webster, and sank his earlier sectional prejudices in an abiding love for the nation.

Harvard was then under the administration of the urbane, witty, and broad-minded John Thornton Kirkland, who, elected to the Presidency as Samuel Webber's successor in 1810, had opened a new era for that institution. It was a period when Harvard was undergoing the difficult transition from college to university. The Medical School was organized with a separate faculty in 1816; in that year also the first Royall Professor of Law, Isaac Parker, was inaugurated, and the Law School was established a few months later; the Divinity School was founded in 1819. The enrollment, however, was still very small, — 315 in 1814, 279 in 1815, — and a student with any social inclinations was sure to have a speaking

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acquaintance with most of the men in college. There were then only six buildings used by the institution: Harvard Hall, with its library of 15,000 volumes; Holden Chapel; the three dormitories, — Massachusetts, Hollis, and Stoughton, — and the new Holworthy Hall, completed in 1813, just before Caleb Cushing entered. University Hall, with its four dining-rooms and six commodious lecture rooms, was ready for occupancy in 1814.

The faculty during Cushing's college course never included more than thirty men. The Reverend John S. Popkin was Professor of Greek, with Edward Everett, hardly more than a boy himself, as Professor of Greek Literature. Lewis Frisbie was Professor of Latin. The Reverend Joseph McKean had charge of "Rhetorick and Oratory." Sidney Willard was Hancock Professor of Hebrew and the Oriental languages; while the scholarly and sedate Andrews Norton was Librarian and Dexter Lecturer in Biblical Criticism. The struggle between Calvinists and Unitarians for the control of the college had not abated, although President Kirkland had tried to moderate its violence. The Corporation was still composed largely of the Boston Federalist and Unitarian clique.

As for the course of study, it was undeniably simple compared with the curriculum to-day. In his Freshman and Sophomore years, Cushing had a good deal of Latin, — including Livy, Horace, Cicero, and Juvenal, — some Greek, a considerable amount of Algebra and Geometry, and a little English Grammar, logic, and declamation. As a Junior, he was initiated into the mysteries of Mental and Moral Philosophy, together with Chemistry and Natural Philosophy. The Seniors studied Astronomy, Mineralogy, and Geology, as well as Theology. Apparently there was no modern history or economics, and

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no modern language except French, which, in Cushing's Senior year, was offered as an alternative for Hebrew.

On his fourteenth birthday in January, 1814, the boy rose long before dawn in order to get ready for morning chapel, which came at six o'clock. The church was so damp and cold that students wore their overcoats throughout the service. Then came a recitation in Latin, lasting three-quarters of an hour. Not until seven-thirty did he get breakfast, — a plain meal of coffee, hot rolls, and butter. From nine-thirty until twelve-thirty he was busy with work in Latin and Mathematics; then he rushed to a commons dinner, after which he attended a lecture from two to three and a recitation in Greek from three to four. Evening prayers, at which he was obliged to be present, were held at six o'clock. He spent the remainder of the day in study before an open fire in his uncarpeted room, which seemed at night particularly cheerless.

There was then no form of organized athletics, but upper classmen could join the college military company, as a member of which Caleb Cushing wore a blue coat, white trousers, a "breast plate gunstrap," and a cockade. While occupied with college exercises, the students had to don a black uniform, which made them conspicuous objects on the streets or in a crowd.

It is small wonder that, under such a routine, the undergraduates found their own methods of giving vent to their pent-up animal spirits. Those were rough days at American colleges. Discipline was enforced only spasmodically; consequently disorder of all kinds prevailed. Fines were still nominally levied for several offenses, like "tumultuous noises," "firing guns," "fighting or hurting any person," smoking in the yard, or carrying a cane into chapel. These penalties, however, could not prevent drunkenness, and ribald Sophomores,

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returning from Boston long after the chimes at midnight, were not to be deterred by fines from breaking windows or tearing down signs in the square. A glance through Dr. Peabody's *Reminiscences* or Edward Everett Hale's letters or Josiah Quincy's *Figures of the Past* will give a good idea of the license and brutality which, as undergraduates, these careful observers found in Cambridge. Caleb Cushing, for very good reasons, did not participate in any wild escapades. In July, 1815, when the faculty gave the lower classes an assigned lesson on the day when the Seniors were leaving college, the aggrieved underclassmen organized a mutiny, stayed away from recitations, and were fined one dollar apiece, — a sum which Cushing's father paid without a protest. But Cushing was too young to be a boon companion of debauchees. Furthermore, without being an ascetic or a prude, he derived no pleasure from excesses of any kind. He was not unfamiliar with the taste of blackstrap (a compound of rum and molasses), which was the popular student tippie; but a book and a desk were far more alluring than the gayest bar-room or theater.

Among Cushing's contemporaries at Harvard were several men who later made for themselves distinguished names. In the class of 1814 were Gamaliel Bradford, William H. Prescott, and James Walker; in 1815, John G. Palfrey and Jared Sparks; in 1818, Henry K. Oliver and John H. Ashmun. Palfrey and Sparks, the future historians, were resident graduates in Cushing's Senior year, and in 1817-18 both were on the list of instructors. Cushing's own class, sixty-eight of whom took the bachelor's degree with him in 1817, was known in after years as the "abolition class," because it included David Lee Child, editor of the *Anti-Slavery Standard*; Samuel Joseph May, for eighteen years General Agent of the

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Massachusetts Anti-Slavery Society; Stephen Higginson Tyng, the rector of St. George's Church in New York City, and a vigorous adversary of slavery; Stephen Salisbury,¹ a Massachusetts reformer; and Samuel Eliot Sewall, one of the organizers of the New England Anti-Slavery Society and a staunch supporter of William Lloyd Garrison. Among Cushing's especial friends were Samuel Atkins Eliot, the father of President Charles W. Eliot, George Barrell Emerson, Alva Woods, and George Bancroft.² In his Freshman year, Cushing roomed alone; as a Sophomore and a "Junior Sophister," he lived at Stoughton 26, with Samuel A. Eliot, Bancroft being close by in Stoughton 23; and, as a "Senior Sophister," he had a suite by himself in Massachusetts 21, Eliot having transferred to Mr. Warland's. Eliot was evidently fond of both Cushing and Bancroft, but Cushing seems never to have been on very intimate terms with the future historian of the United States. Bancroft, who was some nine months younger than Cushing, soon showed himself to be one of the latter's chief rivals for scholastic honors. At the annual Exhibition of 1816, Bancroft delivered an oration with the formidable title *The Influence of Enthusiasm on Happiness*; while Cushing appeared as one of six men who gave demonstrations of "Mathematical

¹ Salisbury's letters and papers, published in the Proceedings of the American Antiquarian Society for April, 1910, give the best available account of the Harvard of that period, and are very interesting reading.

² It is an interesting fact that nearly every one of Cushing's college companions lived to a great age. Of the ten members of the class of 1817 mentioned above for their success in their later careers, the shortest-lived was Eliot, who died at sixty-four, the oldest being Woods, who passed his ninety-third birthday. The average age of the ten at death was eighty-two years and six months. Cushing, who died at seventy-nine, was survived by Tyng, Salisbury, Sewall, Woods, and Bancroft.

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and Astronomical Exercises." When, however, President Monroe visited Cambridge in July, 1817, it was Caleb Cushing who was chosen by vote of his class to deliver a Latin address of welcome, a duty which he performed most acceptably.¹ Child, Woods, Eliot, Bancroft, and Cushing were among those elected to Phi Beta Kappa. In the final award, it was Francis G. Winthrop, a more mature student, who was assigned the Valedictory, but Cushing and Bancroft were tied for second place. At Commencement, August 27, 1817, Bancroft had the "second English Oration," on *The Dignity and Utility of Philosophy of the Human Mind*, and Cushing offered the Latin Salutation.

Indeed the restless and eager Newburyport lad, with his red cheeks, firm jaw, and piercing eyes, gave promise of a brilliant future. His earnestness, his industry, and his hunger for information were exceptional in one so young. Even then he had a singularly independent mind, and sought very little aid from others. The child was father to the man: he was precise in his enunciation, exact in his statements, and thorough in his researches. He was intolerant of loose thinking and inaccuracy. His mind was a machine which fed on the practical and the definite, and he had small inclination towards "unprofitable talk at morning hours." His instructors discovered that he had at his command an accumulation of knowledge, not jumbled or confused, but carefully pigeon-holed in his brain, to be drawn upon in an emergency. Few have followed more implicitly the injunction of Wordsworth:

"Youth should be awed, religiously possessed
With a conviction of the power that waits
On knowledge, when sincerely sought and prized
For its own sake."

¹ Salisbury wrote his mother, July 10, 1817, — "The latin oration

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It is, perhaps, remarkable that a young man who so carefully practiced all the rules for prudent conduct laid down by Benjamin Franklin should have escaped being shunned as an unbearable prig. But Cushing's unmistakable robustness of character and freedom from conceit made him respected even by those with whom he was not particularly congenial. He certainly had as much popularity as is beneficial to any normal undergraduate. He joined both the Institute and Hasty Pudding, and he belonged to the best of the existing private clubs.

Cushing's permanent friendships were, however, made with those older than himself, especially the younger teachers. Most of the students then, as now, looked upon the faculty as their natural enemies. Both Bancroft and Cushing, however, had the good sense to get acquainted with their instructors, and frequently sought their company. On nearly every Sunday evening Cushing took supper at President Kirkland's home, where he usually found Edward Everett and Andrews Norton, and sometimes Bancroft. Here the undergraduates had the privilege of listening to good talk, and were permitted to take their own share in the conversation. Norton had an extensive and well-selected library, in which Cushing spent many rainy afternoons.

During the short summer vacation of four weeks, Cushing was in the habit of taking walking trips through eastern New England. The long vacation of seven weeks, which began shortly before Christmas, gave him an opportunity of seeing his father in Newburyport. At the close of his Junior year, however, he lingered in Cambridge, with several of his classmates. Meeting for an early breakfast, they then divided into pairs, returning from

by Cushing of whom you have heard me speak was remarkable for its purity and classick elegance."

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their excursions in time for dinner and a long evening's chat. During the day they collected the flora of the fields around Cambridge; at night they often mapped the heavens and studied the course of the stars. The botanical collection which Cushing started at this time became eventually one of the best in the state.

Cushing's interest in the various branches of science, such as geology, biology, and astronomy, was absorbing, and for the moment he desired, in emulation of Lord Bacon, to take all knowledge to be his province. The full extent of his ambition is brought out in a letter to his stepmother, dated November 11, 1816, at the opening of his Senior year. It is the earliest existing document from his pen:

"Some doubt was expressed by my father with regard to the usefulness of mineralogy, and as I have a great predilection for the pursuit, I am anxious that you both should know the occasion of my partiality. It is a science to be learned; which to me is a sufficient recommendation. I do not wish to know a few things, — to be a man of detail, — a literary artisan, confined to this or that study without change or redemption. I believe it to be within the compass of man's powers, and the duration of his life, to know all, and much more, than is, or has been known; and this also consistently with perfection in some few things at least. Perhaps it is insatiable curiosity, perhaps it is a desire of more extended reputation than is attainable by a mere professional man; certainly it is laudable. Many perhaps have been exhausted by the efforts, without equalling the universality, of the perfection of the learning of Bacon. But is it not weakness to be terrified into inaction by the difficulties that attend the attainment of an object? Rather grasp at the thunder, and perish in the attempt, than view it in distant and trembling ignorance.

Nor is this all. Is it not well to trace the deity through the decrements of the crystal, and disclose the variety of his perfections in the splendor of the diamond, in the hardness of the adamantine spar, or in the, — shall I say, — soul that

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animates the magnet? We may doubt the bible. We may not believe that this order of being has existed but six thousand years; or that infinite power could not create the world in less than six days, and then should be wearied. We may suppose it absurd that for any one nation the sea was divided; that for one nation the planets reposed in their orbits. But in nature the evidence is full and decisive, not resting on human wisdom; the doubtful assertions of one man, or one nation; but stretching itself beyond denial, because indestructible; and beyond foundation, because infinite.

Besides, man was made for happiness. I do not believe that this goodly frame of the universe, — this enchanting harmony of nature, — this erect and godlike form of man, — his soul that springs excursive into the presence of deity, — the fitness, the propriety, the adaptation of woman

‘adorned

With all that earth or heaven could bestow

To make her amiable,’ —

was placed here without an approach, as there is an obvious tendency, to the happiness of man. This being supposed, it follows that the pursuit of gratification, so far as it is consistent with the security of our fellows, is the first, the only object of our exertions. Every innocent pleasure becomes an evident object of morality.

I need not dwell on the advantage which is derived from the knowledge of the ores and minerals, not only to the artist, but to the gentleman. Our country is a new one. Innumerable veins of ores are diffused through its unexplored wildness. If there is not yet a probability that I shall soon be able with a knowledge of mineralogy, yet I hope certainly that I shall not always be confined to a profession. A competence can be attained by attention and regularity in any business in less than a life. If I am a physician, as most of the poisons are mineral, certainly the most active ones; and as many of the most useful medicines are mineral, a knowledge of them will be, of course, of great advantage. I neglect no prescribed duty in order to study natural history. My college exercises I can prepare in two hours each day. I read as much mathematics, philosophy, and belles-lettres as any of my classmates. Indeed my first

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motive to the study of nature was exercise. Examining and collecting plants and minerals and insects is all so much necessary exercise. Perhaps to this is owing so much of my good health. I spend but 2 hours a day with my friends, and 7 in sleep, and never have any illness but colds."

One wonders whether to marvel at this letter more for its self-confidence and ambition or for its unusual vocabulary and close reasoning. From any point of view, it is a remarkable production for a boy not yet seventeen. The argumentative power which it reveals is one of the early signs of his true bent. As his graduation day approached, he turned more and more to the law, dropping reluctantly his inclination towards medicine and science. Convinced that his future would be spent in the courts, he resolved to train himself in the art of oratory. He pored over Demosthenes and Cicero, as well as the more modern Burke and Chatham, trying to discover the secret of their power. His early efforts, like those of Daniel Webster at The Phillips Exeter Academy, were not very promising. At one of the stated speaking contests, he delivered a declamation which so displeased his student auditors that they tried to silence him by scraping and hissing. Chagrined but not repulsed by this rudeness, Cushing proceeded to go through his oration a second time, in order to demonstrate to his critics that he was not thus to be brow-beaten. It was entirely characteristic of him that, in the face of the enemy, he could not be deterred from following the course which he had set for himself. Before he left college, however, he was a fluent and polished speaker, with a gift for talking extemporaneously which, as he anticipated, was to be one of his most valuable acquisitions. Two of his college orations still exist in manuscript, — *The Conquest of Nature* and *The Tend-*

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ency of a Perfect Philosophy; neither has any exceptional qualities.

Cushing's Commencement Week proved to be very gay. The feature of the festivities for the graduating class was a dinner given by Stephen Salisbury, at which one hundred persons were present and alcoholic liquors were provided, — and consumed, — in quantities which seem to us quite inconceivable. When all this excitement was over, Caleb Cushing returned to Newburyport, a college graduate at an age when most youths in our day are not yet out of preparatory school. As may well be imagined, he was still undecided about his future, and he had many long conversations with his father on the subject. The decision, however, rested with Caleb himself; and, when the newly-established Harvard Law School opened its doors in September, 1817, he matriculated there as one of its first students, being registered in the catalogue as a "resident graduate." His classmate, Samuel Eliot Sewall,¹ had also returned to Cambridge to study law, and the two were on the most intimate terms during the year. They worked very hard, — so hard that Cushing felt impelled to break the routine by a trip to Philadelphia, where, during the long winter vacation, he visited in the home of his uncle, Caleb Cushing, the retired sea-captain. He returned very much in love with his pretty cousin, Ann, and his letters indicate that for a time he quite forgot his scholarly ambitions; but, once back in Cambridge, he

¹ Sewall, after taking a degree with the first class at Harvard Law School in 1820, became an active leader of the abolitionist party. He attended Garrison's first Boston lecture on slavery, October 15, 1830, with his cousin, Samuel J. May, who was another of Cushing's classmates. After the lecture, A. Bronson Alcott, Sewall's brother-in-law, invited Garrison to his home, where Garrison, Sewall, and Alcott sat until midnight discussing the slavery question. Both Sewall and May assisted Garrison in establishing the *Liberator*.

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became absorbed in other pursuits and recreations, and the memory of her soon faded.

The one year which Caleb Cushing spent in Harvard Law School convinced him that it was desirable to begin at once to learn something of the practical side of the profession. On September 1, 1818, therefore, he entered the office of Ebenezer Moseley,¹ Esquire, of Newburyport, where he remained nominally for three years, although his duties there were frequently interrupted. Evidently he was not always contented, for the equally disillusioned Sewall, who had kept on in Harvard Law School, wrote him in December, 1818:

"I am sorry to find you complaining so much of your situation and professional studies. . . . I get along here pretty much in the old style, habit not reconciling me any more than you to the law."

Just what Cushing disliked in his apprenticeship to the legal profession is not altogether plain. He was very restless, and some of the technicalities of law impressed him, as they have impressed others, as being trivial. But in spite of periods of regret and dejection, he seems to have worked hard, and often remained late in Mr. Moseley's office after all the others had gone home. His insatiable craving for knowledge made him "scorn delights and live laborious days." Through his quickness and sagacity, he won Mr. Moseley's confidence, and more than once took charge of the latter's affairs when he was away on business trips.

¹ Ebenezer Moseley (1781-1854), a graduate of Yale in the class of 1802, came to Newburyport in 1805, where he built up a large law practice. He was a member of the General Court (1815-19), a State Senator (1821-22), a Presidential Elector (1832), and a Colonel in the Militia. As an attorney, he was retained in many important cases. His office was clearly the best place in Newburyport for the training of a young lawyer.

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From his letters it can be discerned that he really longed for Cambridge and for his friends there, and he seized upon every opportunity for getting back into the scholastic atmosphere. In 1819, he was complimented by an invitation to write the annual Phi Beta Kappa poem. The verses were prepared and duly read, Cushing thus filling a place which Bryant was to occupy in 1821, George Bancroft in 1823, Longfellow in 1833, Emerson in 1834, and Holmes in 1836. His former counsellor, Andrews Norton, liked the poem, and it was duly printed, but aroused no interest. It has long since passed into the limbo of forgotten literature.

In the autumn of that year Cushing accompanied a group of his college friends, including Sewall, George B. Emerson, May, Ware, and Coolidge, on a walking trip through the White Mountains, starting at Center Harbor, on Lake Winnepesaukee, and following a route which included the climbing of the highest peaks. His *Journal*, giving an account of the excursion, was published by installments in the Newburyport *Herald*, from which it was copied by the Boston *Statesman*.

In February, 1820, Cushing had an unexpected chance to return to Harvard. President Kirkland, who had an eye out for promising young men like Sparks, Bancroft, and Everett, offered him a position as Tutor in the Mathematical Department, at a salary of \$660 a year and room. Kirkland's letter was so kind and persuasive that Cushing accepted instantly, and took up quarters in Cambridge before the month closed. His instruction periods covered three hours a day for five days a week, for the most part with the Senior class, with whom he became very popular. He would not, however, tolerate any laxity of discipline, as the following extract from one of his letters dated July 12, 1821, indicates:

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"Mr. Hayward & I, a day or two since, did an act of authority, which was thought very severe, but which has had an excellent effect, even better than we could have hoped. We hear the Sophomore class recite every day at $\frac{1}{4}$ past 11, he one half & I the other. On Tuesday, by some mistake, the bell for the exercise was not tolled until six or eight minutes after the proper time; and the class, although they knew we were expecting them in the rooms, when they found the bell so late, went away in a body & absented themselves from recitation. In consequence of this each of us fined all the students in his respective half for combining to be absent, amounting to about 80 in all. It is a great many years since individuals have ventured to fine a whole class; and we were a little apprehensive of the effects, as this class is pretty high-spirited, and has occasioned a great deal of trouble to the government. But we sent for several of the leading members of the class, and told them plainly that we conceived they had behaved very criminally & ridiculously; that we wished to live at peace with them but still meant to have our authority respected by favor or force; that as they chose to be refractory, we would see who would hold out longest or most obstinately; and that we were determined to be masters at all hazards. The operation was excellent. They acquiesced with the most perfect submission, so much so that I never knew a lesson recited better than their next lesson was recited.¹

Cushing, it appears, was an excellent instructor, and might have risen to a leading place in the teaching profession if he had cared to devote himself to it. His return to Cambridge, however, had aroused in him a longing for literary success, — a hope which was stimulated by his

¹ One of these rebellious Sophomores was George Ripley, later the well-known scholar, theologian, and editor. In 1876, when Cushing was Minister to Spain, he received a letter from Mr. Ripley, who was then editor of the *American Encyclopedia*. In a postscript, Mr. Ripley's secretary had written as follows, — "Mr. Ripley desires me to present his best regards to you, and to say that whatever merit he has been able to give to the Cyclopedia is entirely due to the severe drilling which you gave him in mathematics at Cambridge, to which he has always looked back with much satisfaction."

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friend, Edward Everett,¹ who had just come back to Harvard after a residence of four years in foreign countries. Everett, Cushing, and George B. Emerson, three of the youngest members of the faculty, were naturally thrown much together. Everett, who was then unmarried, had a house with a large garden, surrounded by a wall so high as to conceal what went on behind it from the inquisitive eyes of passing students. Here the fledgling tutors often met to play leap-frog and cut capers which they would not have cared to exhibit in public. Emerson in his old age used to display with much delight some little notes from Everett, — “On saute à midi.” Cushing and Everett, furthermore, belonged to the same “speaking club” in Cambridge, and there are in the Cushing papers several letters from Everett inviting the youthful Tutor of Mathematics to call for him and take him to the meetings. On Sunday evening they were accustomed to gather at the President’s House, where the conversation never halted for want of words or ideas. Everett and Cushing were in most respects kindred spirits, who thought alike on important problems.

In the spring of 1820, in the midst of his college teaching, Caleb Cushing prepared for the Boston *Centinel* a series of essays on the Constitution, one of which was so remarkable that it attracted Everett’s attention. The latter had just taken over the editorship of the *North*

¹ Edward Everett (1794–1865) had graduated from Harvard in 1811. After spending two years there as a tutor, he accepted the pastorate of the Brattle Street Church, in Boston. In 1814, he was elected as Eliot Professor of Greek at Harvard, and in the following spring went abroad to qualify himself for his duties. He remained in Europe, studying and travelling, until 1819, when he returned to occupy his professorship. In 1819–20, he delivered a series of lectures upon Greek Literature and Ancient Art, several of which Cushing heard.

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American Review,¹ and, being eager to secure new contributors, invited Cushing to write him an article. Few young men of twenty receive such a flattering invitation, and Cushing could not refuse to do his best. Although he did not find it practicable to accept Everett's topic, — which had to do with theology, — he did contribute a short essay of six pages to the *Review* for October, 1820, the subject being *The Study of Civil Law*.² The most interesting feature of this article is his advice to lawyers that they should go for study not only to England but also "to the fountain head" on the continent of Europe:

"All eminent lawyers in this country sooner or later find it necessary to study the law books of the continent; but such a course ought to be more early and universal, and the continental law ought to be made an important, it might almost be said, the most important, branch of elementary legal education."

In the issue for January, 1821, Cushing had a twenty-two page article on *Hayti*, in which he made his first contribution to the literature of the slavery question. The Missouri Compromise of 1820³ had revived the slavery issue, about which little had been said since 1808, when the slave trade had been abolished. The purpose of

¹ The *North American Review*, founded in 1815, with William Tudor as Editor, had become a quarterly in 1818, and was then recognized as the most valuable organ of conservative thought in New England.

² This essay was really Cushing's first literary effort of any significance. It is interesting that almost his last appearance on the public platform was an address on the Civil Law, delivered before the graduating class of the Columbian Law School in Washington, nearly fifty years later.

³ The Missouri Compromise had admitted Maine (a free territory) and Missouri (a slave district) into the Union, without conditions, thus preserving the equality of power between North and South in the Senate. Slavery was, however, forever prohibited in that portion of the Louisiana purchase north of thirty-six degrees and thirty minutes, this being the southern boundary of Missouri.

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Cushing's essay was evidently to show, by means of facts drawn from the Haytian Revolution, that blacks are capable of high intellectual and moral improvement; that they have, on occasions, shown resolution and perseverance; and that they have displayed not only physical hardihood but also independence of spirit and capability for self-government. His general views may be summed up in a single passage from the article:

"The slave-trade, which originated in a superstitious notion prevalent in the dark ages, that infidels were not entitled to the privileges of human beings, has since been perpetuated and defended by prejudices equally ridiculous with regard to the minds of the blacks, whom we are desired to believe incapable of elevation, order, and improvement. The generous self-devotion of modern philanthropists has gone far towards eradicating this opinion and abolishing the traffic connected with it; and it is well-known to have been our own country and our own southern states that set the example to the world of the abolition of this disastrous traffic. Among the grounds on which it was defended, was an alleged inferiority of intellect on the part of the black; and the difficulty was to point out a nation of this color that had reached any tolerable degree of civilization. Such an example is given to the world in the case of the people of Hayti. We consider the single fact of their regeneration as decisive in favor of the blacks.

Cushing's original manuscript for this essay had aroused Everett's naturally cautious instincts, and he wrote him, urging that he delete some of the more vigorous paragraphs:

"Occasionally you display a warmth of feeling . . . which . . . will appear champion-like, and will not have a good effect. You must remember, too, that we shall always be suspected of meaning to whip the Southern planters, over the shoulders of the colonists. What follows is . . . too strong for the Southern stomach. At present we must submit to the servitude of public opinion. Should the *North American*

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Review acquire a decisive authority and popularity in the country, Slavery shall be one of the things on which its battery shall oftenest be played, while I have any concern in it; but by beginning too soon, we shall defeat our own efforts."

In deference to Everett's counsel, Cushing modified his language while the article was going through the press; but even in the emasculated form in which it appeared, it was quite obviously calculated to give southern slave-owners food for thought.

It was not long before Caleb Cushing had become a regular and, to some extent, a popular contributor to the *North American Review*. In 1821, the periodical published, besides the articles already mentioned, papers of his on *Amerigo Vespucci* (III, 318), *The Botany of the United States* (IV, 100), and *The Life and Writings of Sir Edward Coke* (IV, 225), paying him at the not too munificent rate of one dollar a page "for all original matter," — a scheme devised to prevent the practice, later carried to excess by Mark Twain, of inserting long quotations in a manuscript and charging for them at his own standard price of so much a word.

Cushing's style in these essays was far from being sprightly or diverting. Although he was not so ponderous as the Great Lexicographer, he had evidently studied the *Rambler* rather than the *Spectator*, and *sesquipedalia verba* were sprinkled through his pages. Learned and instructive though his articles were, they lacked deftness and literary grace. The qualities of imagination, wit, and originality were strangely wanting. What Cushing wrote was weighty, sound, — but, it must be confessed, rather dull. In 1821, however, American literature did not abound in either cleverness or charm, and Cushing's essays, to people who had not yet been fascinated by Hawthorne and Holmes, seemed models of good writing.

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There is abundant proof that people read them. Cushing was no Lamb or Hazlitt; but he did display accurate scholarship and his knowledge of his facts was not to be disputed. Edward Everett, who was never effusive in his praise, gave Cushing's work unreserved commendation, and spoke of his contributions as being "most useful and agreeable."

While he was occupied with these excursions into general literature, Caleb Cushing was far from being indifferent to his future in the legal profession, and, early in 1821, he published a small volume *On Maritime Contracts of Letting to Hire*, — a translation of the famous treatise by the French jurist, Robert James Pothier. His father's close connection with the sea first led Cushing to investigate the subject of admiralty law, in the course of which he was naturally confronted with Pothier as one of the unimpeachable authorities. While Cushing's rendering was only 170 pages in length, it covered all the essential points, including the three sections *On the Contract of Charter-Party or Affreightment*, *On Common or Gross Average*, and *On the Hiring of Seamen*, as well as an introductory biography of Pothier and some very complete notes. It was dedicated to the Honorable Joseph Story,¹ who acknowledged the compliment in words which must have been exceedingly gratifying to the young author. Others, also, read the book, including the great Lord Stowell and Daniel Webster. On May 21, 1821, Everett wrote Cushing:

¹ Joseph Story (1779-1845), one of Cushing's most influential older friends, graduated from Harvard in 1798, was Representative to the General Court, Speaker of the Massachusetts House, and Associate Justice of the Supreme Court of the United States, and became Professor of Law at Harvard in 1829. He belonged to the old school of Washington and Marshall.

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“Mr. Webster, — who went this morning to pass a fortnight at Sandwich, — spoke to me much of you the last time I saw him & is desirous of having you frequent his house; which do.”

Indeed through this book and his *North American* articles Cushing was rapidly becoming known as a young man who, like Everett himself, was assured of a successful career.

There is no reason to believe, however, that he devoted every moment to serious pursuits, and he certainly had some spare hours for frivolities, if we can judge from a letter which he wrote on May 4, 1821, to his mother:

“The situation of a tutor at Cambridge affords many facilities for getting introduced into the best society in Boston & the vicinity; and although I have not yet profited by the circumstance as much as I should were my residence to continue here through another winter, still I have been invited to several of the great balls & to parties in the fashionable circles. I have regarded this as a very great favor; because it has given me an opportunity of learning how people look, dress, & behave in the best families, and of becoming acquainted with some of the most respectable families. I found my ignorance of dancing at these times a serious misfortune, because the handsomest & sprightliest ladies would, of course, be constantly engaged in dancing, so that I could have very little chance of intercourse with them. I was at two balls, each of which contained several hundred persons, all of the first families, including those who are reputed the most beautiful ladies in Boston.

I have not been introduced into any families out of Cambridge from which I have derived so much satisfaction as those of Mr. William & Mr. Richard Sullivan. Mr. William Sullivan¹ is among the best lawyers in the state, & is exceeded by nobody whom I ever saw in easy, polite, & gentlemanly

¹ William Sullivan (1774–1839), the son of Governor James Sullivan, of Massachusetts, was one of the leaders of the Massachusetts bar during the early nineteenth century.

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manners, so that it is impossible for any one to avoid being cheerful in his company. He has a great fund of conversation, & is very sociable, always furnishing those about him with entertaining thoughts. I have reason to be much obliged to him for more than once relieving me from embarrassment by his affable & kind attention. . . .

You perceived by the *North American* which I sent home a week or two ago that the review of my book did not arrive in season to be inserted in that number, in consequence of which it was deferred to the July number. My article in this number on Amerigo Vespucci has been praised as learned & judicious, which satisfies me. Since Mr. Everett invited me to contribute to the *North American*, I have not sent anything to the newspapers excepting one or two fugitive pieces.

The following little song, which I wrote a few days since for Mary Buckminster, it may perhaps amuse you to read as much as any other thing I should write; and therefore I copy it into my letter.

May each new moon that shines on thee,
Shine brighter than the last;
May every day thou livest to see,
Be happier than the past,
And only joy to joy give place,
While thou remainest here,
As every smile that leaves thy face
Is chased away by one more dear.

If thou art ever doomed to feel
One pang of suffering or of grief,
O, may thy sorrow gently steal
Across thy spirit, light and brief,
Like waves, where cloudless suns are glowing,
Which every breeze that ruffles o'er,
To break the water's tranquil flowing,
But renders lovelier than before.

We have had quite an easy, quiet term with the scholars as yet; and there is no prospect of any disorders in the fortnight remaining. . . . Debating clubs are getting to be the fashion

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in Boston. Two have lately been instituted, one of which is among the most respectable young men in the metropolis, including lawyers, literary men, & the like."

Such recreations as the ones which he describes, however, were never Cushing's deeper interests. His true life was intellectual, not social, and he was constantly striving for improvement. At Commencement in 1820 he had been awarded his Master's Degree at Harvard, and had delivered with memorable eloquence the English oration "of the class and degree." On Independence Day in 1821, when he was still an instructor, he gave an address at Newburyport, his subject being "the revolutionary convulsions which are at the present time agitating the whole of Europe." He said much in a rather vague way about abstract liberty, but closed with a direct reference to his own town and its decline since 1810. This oration, which was printed as a pamphlet, reached the venerable ex-President John Adams, who wrote him as follows:

"Although unfortunately my eyes have been so ill that I could not read, yet I have had the pleasure of hearing read your oration on the fourth of July and have never read or heard a better. To point out its merits would be to copy the book. When Voltaire was asked why he had not written criticisms upon Racine as well as upon Corneille, he answered; because there is no criticism to be made. I should only have to write at the bottom of every page, beautiful, charming, excellent, admirable, exquisite.

I have been much affected with the uniformity of principles and sentiments and the coincidence of topics which appear in all the orations of the present year. A foreigner would suspect a concert among the orators, but this is impossible for they come from various cities and distant states, which renders any combination or conspiracy impracticable. They all concur in celebrating the greatest glory of America, the national assertion of the divine right of the people to institute government, to



Caleb Cushing as a Tutor in Harvard
College

From a miniature in the possession of
Lawrence B. Cushing

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create magistrates, lawgivers, and priests in contradistinction or rather in opposition to the divine right of kings, nobles, and hierophants.

I have also read your address to your class. If such advice is followed, our country has nothing to fear."

At the close of the college year in 1821 the Senior Class presented Cushing with thirty-one volumes of handsomely bound law books, in recognition of what they were pleased to style his "honorable and gentlemanly conduct" towards them. In compliance with a college tradition he spoke before them in an address which, although too heavily weighted with moral precepts for our modern taste, was sound in its counsel and straightforward in its manner. The most significant section was that devoted to the importance of oratory as a power for good:

"Any particular observations upon your future could not but appear misplaced among the cursory suggestions which alone it has been my present design to make. I will merely advert to one thing in this relation, which, from its superior importance, and from the undue neglect which it suffers in the prevailing systems of education, it may be well to speak of in this communication; namely, popular eloquence. I do not call your attention to this faculty as an instrument of acquiring wealth, independent of the perils of the sea and the vicissitudes of the seasons. Nor do I mention it as assuring to its possessor whatever supremacy of political influence or power the most importunate ambition would crave. But I would notice it here as the mightiest agent which God has bestowed upon us for effecting moral purposes, and in this view recommend to you the persevering and assiduous cultivation of it, as you wish to become fitted to diffuse knowledge, virtue, and religion among men. For the authority which the good and enlightened are capable of gaining over the bad by the force of eloquence exercised in the turbulent and angry moments of public corruption, is the firmest safeguard of our national integrity."

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It was unfortunate that the author of sentiments so eminently correct and idealistic should have been connected, — although quite inadvertently, — with what developed into a mild kind of college scandal. The incident in question occurred as a part of the Commencement festivities, and has been described by Josiah Quincy, Jr., a member of that year's graduating class:

“ At two we marched down to Porter's, where we had a fine dinner. After the cloth was removed, Mr. Cushing came in, and gave for a toast, ‘ The bonds of friendship which always tighten when they are wet.’ After Cushing left, there was a drunken revel. A great many of the class were half seas over, and I had the pleasure of supporting one of them.”

This afternoon debauch passed the bounds of propriety and subsequently resulted in an investigation, in the course of which Cushing's name was mentioned, although he was probably the last man in Cambridge to be suspected of any intentional indiscretion. Much perturbed, he brought his defense to the attention of Professor Norton:

“ I remember using the words, ‘ The bonds of friendship which tighten when wet,’ or words to that effect, on the occasion to which you refer; but that I had a design, or even the most distant conception, of being understood as promoting license, I do most solemnly deny. Like my predecessor, I was invited to go to the room & sit a few minutes after dinner; and, when called upon for a toast, I gave what seemed to me a very natural thought for persons drinking one another's health in a glass of wine. The disorders which afterwards took place certainly made me feel that it had not been proper in such company; & I should be the last to think hardly of any gentleman for censuring, however strongly, the indiscretion of which I was guilty. But I must & do consider it as no more than common justice that I should not, for that insulated act, be obliged to enter upon life with the stigma upon my character of being

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disposed to lend my authority to any irregularities of those committed to my charge. As I should abhor myself if I felt that I had been so false to any trust, I most earnestly deprecate the formation of any opinion to my disadvantage without the fullest inquiry."

Cushing's exquisite sensitiveness to criticism evidently obscured for the moment his sense of humor. No one ever really thought that he had had anything to do with fomenting disorder, and the episode was soon forgotten, not to be resurrected until Quincy published his reminiscences. The gossip around Cambridge did not prevent Cushing from being present on Commencement Day, for Quincy has the following entry in his *Diary*:

"In the morning I went to prayers to hear Mr. Cushing pray; for it is always customary for the particular tutor of the graduating class to perform that duty on Commencement morning. He read us an account of the fall of Babylon and the Emancipation of the Jews. This seemed very applicable to our escape from the government, though I do not believe he ever thought of it. His prayer was short and not impressive."

With the close of that college year, Cushing's engagements as Tutor terminated at his own request. Attractive though his residence in Cambridge had been and successful though he was as a teacher, he could not find in that profession a sufficient scope for his talents. He now went back to Newburyport, more content than before to resume his legal studies and to take up the actual practice of the law. But he was still restless and undecided about the future. With most young men the decision regarding their life-work is simple enough. They are forced either by pressure of circumstances or by some unmistakable and overpowering inclination into some particular occupation. Caleb Cushing, however, was free to make his own choice,

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and his interests were so many, so diverse, and so equally alluring that he found it difficult to restrict himself solely to one. Law was delightful, but so, also, was literature. He was fascinated by politics, but he was no less devoted to scholarship. Mineralogy and botany, too, tempted him to become an investigator.¹ His skill as a linguist, — he already knew how to speak fluently French, Spanish, and Italian, — and his eagerness for foreign travel drew him towards diplomacy. Most of his studies, however, had been in books. He had mixed too little with his fellows, and he needed for a time to take some courses in the school of human experience.

As a theater for a career, it must be confessed that Newburyport did not seem at that moment very promising, for it was undergoing a slow decline in prosperity. The assessed valuation of the town property, which had been more than seven million dollars in 1810 had decreased in nine years to not much over three million; while the population of 7634 in 1810 had dropped by 1820 to 6852 and by 1830 to 6741. An intelligent historian thus describes the situation:

“The market, which in earlier days had been filled with country teams, was almost deserted; the East and West Indies and Mediterranean commerce had wellnigh disappeared, and masters of vessels, once active upon the sea, were spending their

¹ Like Theodore Roosevelt, Cushing had a decided bent towards natural history, which, however, he hardly dared to indulge. He had a collection of rare plants which aroused the envy of professional botanists, and he maintained an extensive correspondence with collectors in many Eastern cities. When he was twenty-five years old, he gave away his fine set of minerals and botanical specimens, in the conviction that his absorption in scientific pursuits was seriously interfering with his other ambitions and consuming too much valuable time. He never, even as an old man, could resist the impulse to examine the flora of any country in which he happened to be.

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time in the Reading Room and Insurance offices, hoping against hope for a revival of the good old times."

Wharves and warehouses fell into decay. Few buildings were painted or kept in repair. Boards rotted, and bolts and hinges grew rusty. Cushing's friends, — Everett chief among them, — had some cause for lamenting that he should bury himself in a community where his attainments might be unappreciated.

Caleb Cushing, however, was wise enough to make the best of every situation. First of all, it was important that he should forge ahead in his profession. At the December term in 1821 he was admitted as a practitioner in the Court of Common Pleas; in March, 1824, he was licensed as an attorney in the Supreme Judicial Court; in May, 1825, he received his commission as a Justice of the Peace; and in March, 1826, he was made a counsellor before the Supreme Judicial Court. There were other brilliant young lawyers in Essex County, among them Rufus Choate and Robert Rantoul, but Caleb Cushing held his own with the best of them. His practice developed rapidly and soon became moderately lucrative, providing an income quite sufficient for his modest needs. Within a year or two his place at the bar of his own district was secure.

Even after attending to the affairs of his clients, the young lawyer had some unoccupied hours, which he spent, as usual, in study and writing. His editorials soon became a regular feature of the semi-weekly *Newburyport Herald*, and he was there given that perfect freedom of expression which every journalist desires. In the summer of 1822, he used its columns for a discussion of the slavery issue, which he treated frankly and boldly. On July 12, taking as his theme a recent insurrection of

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blacks in South Carolina, he spoke pessimistically regarding colonization of negroes, whether gradual or immediate, and concluded that emancipation was "improbable and impracticable." In another article he admitted that the holding of slaves is not necessarily destructive of "republican habits," basing his argument on the doctrine of Burke, — that men who see others deprived of liberty inevitably cherish their own freedom all the more. In still another paper he emphasized the point that slavery has a demoralizing influence on a slave-holding people:

"There can never be much purity, decorum, exactness, and moderation in the morals of a people among whom slaves abound."

By one of these startling coincidences which often make history akin to romance, the type for most of Cushing's editorials on slavery was set by William Lloyd Garrison,¹ who, five years younger than Caleb Cushing, had been apprenticed in 1818 for seven years to Ephraim W. Allen, the proprietor of the *Herald*. Quite by accident, Cushing discovered that Garrison was the author of some anonymous contributions to the *Herald* columns; and when, in

¹ William Lloyd Garrison (1804–1879) had been born in Newburyport, in a house still standing on School Street. His father having deserted his family, the boy had to go to work at an early age. He was successively shoemaker, wood sawer, and errand boy; then, in 1818, he was indentured to Allen in the *Herald* office. In 1826, he left the *Herald* and established the Newburyport *Free Press*, which however, ran only six months. In 1827, he became the editor of the *National Philanthropist*, in Boston; and a year later he was associated with a friend in publishing the *Journal of the Times*, devoted to the promotion of various reforms. On July 4, 1829, he delivered, in the Park Street Church in Boston, an address in which he denounced slavery and slave-holders. From that time on, he maintained publicly the doctrine of immediate emancipation of all negroes held in servitude. The first number of his famous anti-slavery journal, the *Liberator*, appeared in Boston on January 1, 1831.

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the summer of 1822, Cushing was left temporarily in charge of the editor's desk, he commended the young writer, encouraged him to persevere, and lent him books from his own library. He went out of his way, moreover, to mention in his newspaper some articles by Garrison on the Holy Alliance, — articles in which, he said, "we recognize the hand of a correspondent who at different times has favored us with a number of esteemed and valued contributions." Garrison, indeed, wrote his mother, telling her of his gratitude to Cushing for his timely aid. Unfortunately the relations between these two men, each so great in his own particular way, were not to remain friendly. Cushing did not fail in his generosity, but Garrison proved to be a thankless recipient of favors, and some years later brought down upon himself the indignation of a Cushing political rally by a speech in which he attacked his benefactor. Cushing's part throughout appears to have been dignified and courteous.

Cushing's mind seems to have been incessantly dwelling on new projects. In the winter of 1823-24, he proposed to write the life of the distinguished Judge John Lowell,¹ a native of Newburyport, and to this end examined a large portion of the latter's manuscripts and letters. The book was apparently almost ready for publication, when Judge Lowell's son, who had assisted Cushing, was taken ill, and the completion of the work was postponed. Within a year or two, Cushing was so much occupied with practical politics that he was obliged to relinquish any

¹ John Lowell (1743-1802), son of the first minister of Newburyport, graduated at Harvard in 1760, took up the practice of law, and settled in Boston early in the Revolutionary War. He was later a member of the Massachusetts Constitutional Convention, Judge of the District Court of Massachusetts, and Chief Justice of the First Circuit (1801). He was a man of wide knowledge and much legal acumen.

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aspirations to be a biographer, and the life of Judge Lowell has never been written.

During the same winter, Rufus Choate,¹ then practicing law in Danvers, discussed with him a plan for preparing a comprehensive digest of the English year books, and the two ambitious young lawyers actually made a rough sketch of the portions of the labor which each would undertake. Here again other duties interfered with the scheme, and it was reluctantly abandoned.

These special projects did not interfere in any degree with Cushing's regular contributions to the *North American Review*. For Volume VIII, he prepared two excellent essays: one on the laws of Massachusetts; the other, a review of Livingston's *Penal Code*. In 1823, Everett was succeeded in the editorial chair by Jared Sparks,² for whom, within the next three years, Cushing wrote some important papers, the three longest being on Boccaccio's *Decameron*, Christopher Columbus, and the insurrection of Tupac Amaru in Peru. Sparks, who had the true editor's instinct, wanted his magazine to have

¹ Rufus Choate (1799-1859) graduated from Dartmouth in 1819, studied law, and settled first at Danvers, but later at Salem. He was a representative to the Massachusetts General Court in 1826, a state senator in 1828, and a Congressman in 1833. In 1841 he was elected United States Senator to fill the unexpired term of Daniel Webster, but at the close of his term resumed his law practice in Boston. He was probably the most persuasive special pleader of his generation in the law courts, and his eminence in his profession was unquestioned.

² Jared Sparks (1789-1866), well-known as an historian, graduated at Harvard in 1815, and spent the next four years at Cambridge, studying theology and acting as a tutor in mathematics and natural philosophy. In May, 1819, he accepted a Unitarian pastorate in Baltimore, and in 1821, he became Chaplain of the House of Representatives. He succeeded Everett in 1823 as editor of the *North American Review*, in which position he remained until 1830. With him Cushing carried on a voluminous correspondence, chiefly on literary and editorial matters.

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the two essential virtues of timeliness and variety; and Cushing, who was always punctual and who was ready to investigate any subject, no matter how obscure or unfamiliar, was an invaluable coadjutor. Indeed Cushing rather preferred a topic upon which he knew very little to begin with. It was in the course of the extensive researches which he carried on in quest of material that he added much to that store of miscellaneous and unusual information with which, in after years, he was to dazzle his associates.

By the time Cushing had reached the age of twenty-five, he had contributed to the *North American Review* articles aggregating 330 pages on twenty-one different subjects. Dr. Johnson's dictum that nobody but a fool ever wrote for anything but money found a living refutation in Cushing. The pay given by the *Review* was meagre enough, and authors had frequently to submit to having the price of a subscription for the periodical deducted from their already modest honorarium. But Caleb Cushing was writing for pleasure and fame rather than for any increase in income. When Sparks once objected to the expense of printing a map of Peru in connection with one of Cushing's articles, the latter paid for the necessary engraving out of his own pocket, spending in that way a large proportion of what he was to receive for the entire essay.

The reputation which Cushing had made in the *North American Review* led other editors to solicit contributions from his pen. James G. Carter, of the *United States Literary Gazette*, asked him to prepare some book reviews; and, before April, 1826, he had published in that periodical no fewer than twenty-seven brief articles, — no one over nine pages long and several not over two or three, — on subjects ranging from the poetry of Filicaja and

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Everett's *Concord Oration* to Verplanck on Contracts and the principles of Political Economy. In June, 1826, he was urged to become joint editor, with William Cullen Bryant, of this magazine, at a salary of \$800 a year. It was stipulated, however, that Cushing, like Bryant, should purchase one-quarter of the stock and be responsible for five hundred subscribers, — a proposition which he had sufficient business sagacity to decline.

These, and many more activities, so filled his waking hours that he had no periods of idleness. In 1821, he was appointed a Sergeant in the Newburyport Light Infantry, in which he was later commissioned Lieutenant, and then made Judge Advocate for the Second Division of Massachusetts Militia, with the rank of Major. He was elected a member of the Bunker Hill Monument Association and of the Columbian Institute for the Promotion of Arts and Sciences; and he was chosen a Fellow of the American Academy of Arts and Sciences, being the youngest member selected up to that time. He composed a song for his annual Harvard class dinner at Commencement in 1824. When Lafayette visited Newburyport on August 21, he was one of the Committee of Arrangements and delivered an address of welcome. In town affairs he took his part, serving on the School Committee for four years and speaking frequently in town meeting.

His ceaseless industry was the more noteworthy because of the precarious state of his health. He had felt the nervous strain of overwork as early as nineteen, when a physician had laid out for him a careful regimen of diet and had insisted on his establishing regular habits of labor. In August, 1823, he had an attack of what he called "a severe typhus fever," from which he narrowly escaped with his life and the recuperation from which took several months. In the next July he had a



The Old Cushing Homestead
Hingham, Massachusetts



The Home of John Newmarch Cushing
High Street, Newburyport

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"bilious or intermittent fever," which kept him in bed for five weeks. He says in his *Diary*:

"During the whole of the period from Aug., 1824 to Aug., 1826, my stomach being exceedingly weak, I was under the necessity of eating abstemiously & cautiously, particularly in the warm weather; in the summer of 1826 living almost wholly on fish & ship biscuit; in the summer of 1824 & that of 1825 upon crackers & eggs; so also in the other months, avoiding everything liable to acidify in the stomach."

Several passages in his letters show a morbid tendency, not far removed from hypochondria. In October, 1827, he said in a note to Mrs. Susan Hooper:

"I may die an untimely death; indeed I have no right to expect a long life, continually suffering as I do from the effects of acute and dangerous disease."

Cushing's only real ailment was doubtless an inability to realize when he was taxing his physical strength too far. But only a powerful will kept him from degenerating into a neurasthenic. With indifference to consequences, he persisted in drawing upon his nerve forces in a reckless way, and it is remarkable that he did not suffer more seriously from the strain.

Meanwhile Caleb Cushing's domestic surroundings had much altered. Shortly after his second marriage, John Newmarch Cushing had established himself and his bride in the northern half of a noble brick mansion¹ at the corner of Fruit and High Streets, in Newburyport. Here, between 1816 and 1826, six children were born to him, three boys and three girls. No one of the girls

¹ This house had been built by William Hunt, in 1808, and John N. Cushing purchased it from Hunt's widow. In 1822, his own half proving to be too small for his increasing family, he bought the southerly half also. The dwelling still remains in the possession of his descendants.

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lived to womanhood. Of the boys, one, Philip, died of typhoid fever at the age of twenty-eight. The other two, John Newmarch Cushing, Jr., and William Cushing, lived to become substantial citizens of Newburyport.

Although Caleb Cushing was too reserved to be what is commonly known as a "ladies' man," he was not by any means indifferent to female charms, and his letters of this period are filled with references to mysterious young ladies whom, for the moment, he was suspected of admiring. Soon after his return to Newburyport, in 1821, he made the acquaintance of Caroline Elizabeth Wilde, daughter of Judge Samuel Sumner Wilde,¹ who had recently moved to that town. Caroline, the sixth of Judge Wilde's nine children, was born, April 26, 1802, in Hallowell, Maine. Cushing's relations with the Wilde family did not open propitiously, for he had to undergo a personal encounter with George C. Wilde, Caroline's brother, in the course of which Cushing administered a well-deserved chastisement to a youth who was seldom really sober. It was not long, however, before Cushing was seen often at the Wilde house, and he was soon

¹ Samuel Sumner Wilde (1771-1855) was born in Taunton, Massachusetts, but began the practice of law in Waldoborough, Maine, moving later to Hallowell, in the same section. As a member of the Hartford Convention in 1814, he used his influence in advocating moderate measures. In 1815, his political career was crowned by his appointment as Judge of the Supreme Judicial Court of Massachusetts. When Maine was separated from Massachusetts in 1820, Judge Wilde still retained his position on the Massachusetts bench. In Newburyport he occupied a "large commodious house, with spacious garden, on High Street, not far from Lord Timothy Dexter's mansion." It is now the home of the Morrill family. Judge Wilde was a cautious and conservative man of the New England Federalist type, vigorously opposed to Jacksonism in all its manifestations. In his declining years he was naturally much out of sympathy with Caleb Cushing's Democratic principles, and the two men, although never reaching the point of an actual break in friendship, saw little of one another.

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recognized as her ardent admirer. She was indeed a girl to delight a man's heart. Although she was not exceptionally beautiful, she had refined and delicate features, and her manner was fascinating. She appears in the old daguerreotypes as a slender, graceful figure, with a gentle and intelligent face. Her mind, we are told, was keen, and her wit unflinching. Her tastes, moreover, were fastidious, and she was devoted to literature, art, and music. Her personality made a decided appeal to the young attorney, who fell ardently in love with her. In January, 1824, he won her consent to an engagement, and the wedding took place on November 23 of that year. Samuel Eliot Sewall was present as groomsman, and a large number of Cushing's college friends came to Newburyport for the ceremony.

The marriage proved to be very happy, for the two had similar pleasures and inclinations, and were able to be much together. As Caroline Cushing's health was never good, she was frequently confined to the house by illness, but her buoyant good humor triumphed over her painful bodily ailments. It was an enduring source of regret that no children were born to them, but this sorrow undoubtedly drew them into a closer bond.

Caleb Cushing's marriage may be conveniently taken as the opening of a new period of his career. So far, he had been equipping himself, consciously and unconsciously, for public service, and now, in his full maturity, he was ready for the test. At twenty-five he was an unusually handsome young man, with a presence at once gracious and dignified. His clear, rich voice and powerful frame gave him the physical qualifications of the natural orator. Nor were his mental attainments less noteworthy. Through steady reading and quiet meditation, he had developed his mind to a point of high efficiency. The alert-

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ness of his understanding was apparent to every one who met him. These characteristics, — and others, — had won him many friends, some of them influential, who were sure to assist his progress.

That he was eager for advancement cannot be denied. Oliver, the distinguished writer on legal subjects, once saw him in the Court House in Salem, and, turning to a brother lawyer, Hazen of Andover, asked, "Who is that young man with the uncommonly brilliant complexion?" Hazen replied, "That is Caleb Cushing, a young lawyer from Newburyport." "Well!" said Oliver, "I have been watching him for some time, and I never saw the workings of ambition more manifest in any one's face and deportment than in his. Since he has sat down, his cheek has flushed and paled a dozen times." But Cushing's desire for fame was not narrowly selfish. It was his hope to make himself a useful citizen. Without cant, it may be asserted that he sought power, not merely for self-gratification, but far more for the opportunity which it offered of public service.

In 1825, then, he was on the threshold. He had acquired by assiduous study an unusual store of both knowledge and wisdom. As a linguist, he had already displayed that remarkable gift of tongues which was later to make him unique among American statesmen. As a speaker, he had subjected himself to a rigorous training which had prepared him to meet emergencies. But, although he was known in some quarters as a promising young lawyer, and in others as a careful scholar and a contributor to the best magazines, he had not as yet had an opportunity to acquire the reputation which he so longed to secure. With 1825, begins his gradual entry into a wider arena. Step by step, from that date on, he moves from his native town into the affairs of state and nation.

CHAPTER THREE

THE APPRENTICE STATESMAN

“The heights by great men reached and kept
Were not attained by sudden flight,
But they, while their companions slept,
Were toiling upward in the night.”

LONGFELLOW, *The Ladder of St. Augustine.*

ALMOST as soon as he could think at all in terms of politics, Caleb Cushing called himself a Federalist; but, like most members of that rapidly fading party, he was driven, after the close of the War of 1812, to accept the administrations of James Monroe as being on the whole for the best interests of the country. When a new struggle for the Presidency opened in 1824, Cushing agreed with his father and Judge Wilde,—both old-time Federalists,—in supporting John Quincy Adams against Crawford, Clay, and Jackson, and his first vote for President was cast for Adams. He was unaffectedly pleased at the latter's election by the House of Representatives, for he obeyed an entirely natural instinct in distrusting Andrew Jackson as a kind of “wild man” from the unknown and uncultured West.

It was as an adherent of Adams that Cushing entered political life, quite unnoticed, as a Representative from Newburyport to the Massachusetts General Court. To this respectable but not exalted office he was elected in the autumn of 1824, just a fortnight before his marriage. It took him only a few weeks to gain a reputation as a keen-witted and forceful debater on the floor of the

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legislature. He was appointed a member of the Committee on the Judiciary, and also served on the Board of Managers representing the House in conducting the impeachment of Samuel Blagg, Esquire, before the Senate. He soon found himself being looked up to and consulted as a leader, and his confidence in his ability developed correspondingly.

He could not have been ignorant of the fact that he had powerful friends who believed in his future. Not the least among these was Webster, whose acquaintance Cushing had already made, through the intervention of Edward Everett. In the *North American Review* for July, 1822, Cushing had published an essay dealing with Webster's *Plymouth Discourse*, in which, taking occasion to use the address as a text for a survey of American ante-colonial history, he had bestowed the highest praise upon that orator. Cushing's commendation, expressed with tact and literary skill, had greatly pleased Webster. The first case which Cushing had before the Supreme Judicial Court of the Commonwealth was argued in 1825, at Salem, with Webster as the opposing counsel, and the younger man was flattered to receive encouraging words from the veteran. Some of the most interesting entries in Cushing's *Diary* for this period deal with his relations with Webster.

"Ipswich, April 27, 1825. Court at Ipswich. D. Webster asked me to walk. Inquired if I pursued any system. Inquired about my business, studies, etc. Said he was going to examine me a little. No man could become a great lawyer without studying independently of his investigation of cases. Said when he was early in his profession, he had a copy of Vesey's Chancery Rep. which at the 6th year of his practice he had not read. He was in want of money & left it at a booksellers 6 mos. without being able to sell it. Not succeeding in this, he determined to read it; & to that study he attributes

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whatever of merit as a lawyer he possesses. Nothing was superior to the high reason, the comprehensive views, & the fine justice of many of the English chancellors. Said practice in a small town was very useful as a means of getting experience. Said I ought always to keep in view the object of a permanent residence elsewhere (out of N^oport). The defect of young men in the city is lack of experience. D. Webster said that Samuel Dexter had left behind him a very equivocal character. He was a man of vast powers of reasoning but indisposed to exertion, no student, a man of little information, & much given to meditation. His reputation in Congress was high. Doubted the expediency of having the S.C. of the U.S. relieved of circuit duty. It was necessary for judges to be in the custom of intercourse & association with persons in different parts of the nation. Besides they need the personal responsibility of trying causes. If all business was done before a *body* of judges, an imbecile might shelter himself under the rest. Besides the court would get exclusively into the hands of men in and about Washington. It would come to be a position for persons there whom they wanted to dispose of. . . . April 28, 1825. D. Webster stated very strongly his opinion of the looseness of our practice in this country, & his conviction of the necessity & expediency of adopting a strict & exact rule. Neither to ask, nor to grant, accommodations, as they are called, but to adhere to the rigid rules of law."

Only a few weeks after this interview, Webster, who was much impressed by Cushing's attainments, united with Everett in urging Cushing to accept the editorship of the *Boston Journal*, which they wished to use as a political organ; and in August, 1825, Cushing had a long talk on the subject with Webster in Boston. Eventually he declined the proposal, writing Webster as follows:

"After having witnessed the interest which Mr. Everett and you condescended to take in the establishment of the *Boston Journal*, it has been with much regret that I have felt constrained to withhold myself from it. In making this decision, I have acted not more in compliance with my own

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judgment, than by the advice of two or three particular friends, whom I consulted, and whose opinions I was bound by every consideration to accept.

The risk of sacrificing my health by engaging in an enterprise, the faithful prosecution of which would require constant & daily attention throughout the year, but especially in the heat of the summer, when I am very liable to febrile complaints, weighed much with me in this matter. In addition thereto, my connexion with the press as proprietor, which I found the plan to require, was a very prominent difficulty. This, besides the pecuniary responsibility, which might in some possible contingencies prove very embarrassing to me, would, I feared, either separate me entirely from my profession; or else it would so largely divide my time & attention between objects of a different nature, as to prevent my obtaining any share of the public confidence in a professional capacity."

In a memorandum of a later date Cushing gave his reasons for rejecting the proposal in a slightly different form:

"I rejected the proposition because I did not wholly relish the business of a newspaper editor,—because I thought it would wholly prevent my obtaining professional business in Boston,—& because I looked forward to a nomination for Congress in the Essex North District. My advisers were my father & O. Putnam,¹ who strongly advised against the project."

Another older man who watched Cushing with a kindly eye was Levi Lincoln,² of whom the former wrote in his *Diary* for 1825 as follows:

¹ Oliver Putnam (1777–1826), a merchant and importer of Newburyport, retired from business with a small fortune and settled at Hampstead, New Hampshire, where he collected an excellent library of works on political and economic questions and wrote several essays favoring the protection of our domestic industries. A considerable portion of his estate was left to found the Putnam Free School, in Newburyport.

² Levi Lincoln (1782–1868), born in Worcester and graduated at

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"Levi Lincoln, Judge, holds the court. Presides with great dignity & urbanity; very full & impartial & lucid in his charges. Prompt in all incidental questions. Remarkable for his gentlemanly manners."

Judge Joseph Story, also, had noted with interest the forward steps in Cushing's advancement, and was helping, by his advice, to direct his political course. The example of such men as these was undoubtedly a strong factor in stimulating Cushing's ambition to win distinction.

All these personages Caleb Cushing was meeting from time to time in court, for he was practicing assiduously in his profession. As Judge Advocate he conducted a court martial at Ipswich in a masterly manner. Young though he was, it was recognized that for knowledge of the law, soundness of judgment, and effective presentation of a case he had no superior in eastern Massachusetts. In the art of persuasion he was, perhaps, somewhat less successful. Underestimating the importance of tact, he resorted more often to force than to finesse. As a pleader, he was sometimes defeated by Rufus Choate, who understood the psychology of juries and whose suavity of manner was a veil for his argument. But Cushing's directness and frankness of speech were usually more than a match for the subtleties of his legal adversaries at the bar. By 1826, he was contriving to earn more than a respectable competence from his retaining fees, and was, therefore, able to spend his spare hours in pursuing his varied avocations.

Much has already been said of Cushing's astounding

Harvard in 1802, held many public offices. In 1825, he was a Judge of the Supreme Court of the Commonwealth, but in the autumn of that year he was elected Governor, a position which he held continuously until 1834. He was a member of Congress with Cushing from 1835 to 1841, and the two men became intimate friends.

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energy, and a summary of his work during the year 1826 will, perhaps, serve to substantiate some of the statements regarding his productivity. Physically he was most of the time in wretched health. In January he suffered a serious attack of influenza, which left him weak in body and exhausted in nerves. Judge Wilde, who was only too well aware of his son-in-law's disposition to try his strength too far, wrote him in February:

"I have been apprehensive that you would injure your health by too intense application to business. This is the sin (if sin it may be called) which most easily besets you. A little relaxation and diversion of mind will be serviceable."

Cushing, however, could not relax, and the warning was of no avail. Debilitated though he was, he kept doggedly at his various tasks, and took on new burdens as if he were as sound as ever.

In the autumn of the previous year he had been elected to the State Senate, the sessions of which, during the spring of 1826, he attended with much regularity. He was naturally given a place on the Committee on the Judiciary, and he took part in some important debates. His duties at the State House, however, occupied only a very small portion of his time.

Early in February he published a little pamphlet of twenty-four pages, entitled *The Claims of Citizens of the United States on Denmark*,¹ in which he discussed the indemnification due us because of the flagrant outrages committed by Denmark on our merchant marine from 1809 to 1811, when Denmark was an active ally of Napoleon. Not the least interesting paragraph is that in which the author breaks into scathing denunciation of the policy

¹ This essay was first printed in the *Monthly Magazine* (Vol. I, No. 8), and was reprinted in pamphlet form at the request and expense of the merchants of Boston.

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of Great Britain, a nation which Cushing seems even then to have disliked.¹ Cushing's brochure is one of the best specimens of that clarity and force of statement which were to become the most distinctive features of his written and spoken style. After presenting a general outline of the grievances of American ship-owners, he advocates a strong and positive policy on the part of President Adams, either by bringing pressure on Denmark through a threat at the Danish West Indies or by insisting on a thorough neutral examination of the Danish right to levy the "Sound Dues," imposed on all vessels passing Elsinore. There is in these pages something of the self-confident and exuberant Americanism spoken of by so many British travellers of this period. In 1810, we had been busy settling our differences with Great Britain; now, having administered a rebuke to England for her pretension that the seas were her especial domain, we had surely nothing to dread from "insignificant Denmark." Cushing's eagerness to defy the might of Great Britain and to defend the national honor to the last breach are just as significant as his careful accumulation of evidence and his inexorable logic; these qualities are all characteristic of his later writings and indicate that he had attained full maturity of thought and expression.

In April, Cushing read the proofs for an eighty-eight page volume called *A Summary of the Practical Principles of Political Economy*, in which he showed himself a devoted advocate of the "American system" of developing domestic manufacturing industries by means of a

¹ Cushing's Anglophobia probably first developed in the period just preceding the war of 1812, when the depredations of British men-of-war on our neutral commerce were proving so disastrous to his father's business. Other events occurred to foster this animosity, and to the end of his days Cushing had a distrust of England and the English.

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high tariff on foreign competitive goods, — a policy then being warmly defended by Henry Clay. Clay and Cushing were temperamentally wide apart, and were never intimate, even in the days when Clay was the acknowledged idol of the Whig Party. It is of some interest, therefore, that Clay should have written a few lines of encouragement to the younger man:

“I have this day received the copy of the *Summary of the Practical Principles of Political Economy*. . . . I am glad to see the cause of domestic industry continues to engage attention; and that its friends are not unmindful of preparations for the contest which I have no doubt will be renewed at no distant day, in the national councils, in which we may have to struggle for the ground which has been gained.”

In connection with this pamphlet a letter written by Cushing to Webster four years later (Newburyport, November 11, 1830) explains the way in which the papers happened to be published:

“My opinions respecting the American system so-called were fixed before that system gained the confidence of the great names of our New England. My own researches on the subject were guided by the advice of a friend, who, if his life had been longer spared to me, might have guided my inexperience through difficulties of another description. In the year 1825, this lamented friend, Mr. Oliver Putnam, then laboring under the illness which shortly terminated his life, placed in my hands some manuscripts advocating the protection of domestic industry by duties on imports, out of which, with additions and alterations of my own, I compiled a series of papers, which I published in the *United States Literary Gazette*, under the title of ‘The Principles of Political Economy, considered more particularly in their Application to the Industry and General Interests of the United States.’ These papers were afterwards republished in a separate form, with the addition of some others maintaining the

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same tenets, and denominated 'A Summary of the Principles of Political Economy.'

That after such a distinct profession of political faith my sentiments should be doubted, may grieve, but it does not surprise me. My papers, as they combatted the free trade theory on abstract general principles, & did not become identified with any election or other act of the people, soon passed away, it seems, into forgetfulness. Besides, foreign examples had produced an idea that men of letters and of theory must necessarily be adverse to the protecting system, which it was the fashion to condemn as the interested side, in contradistinction to the side of principle.

But such, as unfolded in those papers, were then my opinions, as reasoned out from general principles; & on all occasions since, in public bodies & in conversation, whenever an expression of my views was proper, I have constantly upheld the same doctrines. And it is some consolation to me now, to find that arguments, which in the forgotten summary of my friend and myself were new, & which were then stigmatized in respectable quarters as forming a 'selfish system' which 'all theory and all good sense as well as generous feeling look against, though it is still enforced by some statesmen who know not how to defend it by arguments' (United States Literary Gazette, Vol. IV, page 271), — it is, I say, some consolation to find that precisely such arguments were employed, during the last election in Boston, by friends of the protecting system, 'who know how to defend it by argument,' and who stand high among the highest for 'good sense,' for 'generous feeling,' & for wisdom and experience as 'statesmen.'"

In September, Cushing published his most ambitious book up to that date, — a volume on *The History and Present State of the Town of Newburyport*, in which he attempted not only to describe the town's prosperous past, but also to show in what respects that community was in danger of social and industrial deterioration. Although composed rapidly during weeks when Cushing had almost constant demands upon his time, it shows no traces of

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hasty composition but reveals a systematic and thorough study of original documents. It elicited from Edward Everett, in a letter of October 6, 1826, a gossipy footnote to history:

"I duly received yours of the 29th, with a copy of your *History of Newburyport*. Having the organ of locality myself, in a moderate degree of development, I read the history with great pleasure. You quote in it Judge Parsons' address to General Washington. On the 1st day of August (the day on which I delivered an eulogy on the deceased presidents at Charlestown), Mr. Adams took me, in his carriage, from Dr. Thompson's house to the church. Governor Lincoln also rode in the President's carriage. It so happened, in getting into the carriage, that the Governor was placed on the President's right hand. The Governor perceiving this, became uneasy, & wished to change; the President tried to satisfy him to remain as he was; & I, by way of turning off the thing, which was getting embarrassing, observed to the Governor that his great predecessor Hancock would not only have accepted the right hand, but would not have accepted any other place, — alluding to Governor Hancock's rigid adherence to etiquette, when General Washington visited Boston. Gov. Lincoln, however, insisted upon the change; thus far I mention merely as a case on the doctrine of State Rights. But having alluded to General Washington's visit, our conversation turned on that, & Mr. Adams observed that he was at that time a student in Chief Justice Parsons' office. The Chief Justice, having been requested by the citizens to make an address to General Washington, told his students, — four in number, I think, — to prepare each an address, of which he would deliver the best. The students not wishing to engage in this competition, neglected to prepare their addresses, except Mr. Adams, who never neglects a duty or shuns a labor. He wrote an address, which he handed to the Ch. Justice & which was delivered by him, as his own; & which, I presume, to be that in your book, *à propos duquel* I have related it to you."

In our survey of Cushing's literary activities during this *annus mirabilis*, we have neglected some of his other

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engagements. On June 24, he delivered a Masonic address at Lynn, at the anniversary festival of St. John the Baptist; this was printed in pamphlet form and sent to every lodge in the Commonwealth. As Major in the militia, he was marshal of the military parade held in Newburyport on the fiftieth anniversary of American Independence; and at a dinner that evening he responded to a toast, "The Present Generation." It was on that very day that John Adams, at Quincy, and Thomas Jefferson, at Monticello, died within a few hours of one another. The coincidence was so striking that Americans everywhere were deeply moved. Newburyport, like most communities, arranged for a special meeting to honor the noble dead, and, on July 15, in the Pleasant Street Church, Caleb Cushing delivered a memorial address. This oration, prepared in little more than a week, is a remarkable demonstration of what he could do under pressure. As it was later published, it comprised fifty-six pages, and displayed a really profound acquaintance with the details of our political history. Possibly it was overdiffuse; but the audience of that generation still bore patiently sermons an hour long every Sunday morning, and cared more for quality than for brevity. Quality Cushing's oration certainly had. Although inevitably somewhat overshadowed by Webster's brilliant eulogy on the same event, it was greeted with favor. Joseph Story, always reticent in his praise, pronounced it "truly eloquent." It was commended by Richard Rush, President Kirkland, Josiah Quincy, Edward Everett, and John Quincy Adams, and it deserved their commendation.

It is illustrative of Cushing's versatility that, at this memorial meeting, an original ode of his was sung by a selected choir. The words will afford some idea of his gifts as a poet:

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“Forget not the valiant
Who have honored our story,
The high and the gallant,
Whose deeds are our glory;
They are gone, but they leave us
The meed of their merit,
Nor can ages bereave us
Of the fame we inherit.
Then forget not the valiant
Who have honored our story,
The high and the gallant,
Whose deeds are our glory.”

In its meter and spirit this song shows the influence of Scott's ballads. Through a long lifetime, Cushing composed no inconsiderable quantity of verses, most of which are obviously the product of an ingenious and persevering rather than of an imaginative mind. His translations from Spanish and Italian are rendered with commendable faithfulness and accuracy; but his original poetry, whether lyrical or narrative, is labored and uninspired.

Such, then, were some of his interests in literature and public service during 1826. But there was one other matter which to him was more important than any book which he had written or was writing; that is, the question of his campaign for Representative in Congress. Edward Everett, who had been elected to Congress in 1824, from Boston, ardently desired to have Caleb Cushing as his colleague in Washington. Before July, 1825, in fact, he had urged him to announce his candidacy; and early in 1826 he had a conference with Cushing on the subject. Cushing was entirely receptive to this suggestion, for he had looked upon his terms in the Massachusetts General Court as but stepping-stones to a seat in the national Capitol.

The Essex North Congressional District contained in

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1826 the towns of Newburyport, West Newbury, Newbury, Salisbury, Amesbury, Haverhill, Andover, Methuen, Middleton, Bradford, Boxford, Rowley, Topsfield, Ipswich, Essex, Hamilton and Wenham, — all in Essex County, — together with Dracut, Tewksbury, Billerica, and Wilmington, in Middlesex County, — twenty-one towns in all. The representative for this district was John Varnum (1778–1836), of Haverhill, who was serving his first term with credit, although with no especial distinction. It was a period when, following the election of John Quincy Adams to the Presidency and the consequent discomfiture of the Jacksonians, parties were undergoing realignment, and new issues for contention were gradually troubling the quiet waters of the “era of good feeling.” As yet, however, the antagonism to Jackson had not coalesced into any new party. Indeed in New England Jackson men were still very few in number, and the campaign for Congress had to be decided in the Essex North district very largely on the issue of the personalities of the candidates presented. Virtually every one still called himself a “National Republican”; but Varnum, who had affiliations with the conservative New England Federalists, was not altogether satisfactory to the manufacturing and commercial interests of his section, and some of the more progressive members of the party were looking about for a younger and bolder nominee.

Cushing, ill though he was, was quite ready to undertake the contest whenever his friends believed the time to be ripe. Everett wrote him on August 26:

“You do me no more than justice when you give me credit for an attachment to you, early formed & never intermitted. I have certainly been at all times, on all occasions, and in every presence, from the inmost cabinet at Washington to my own fireside, the *precor tua laudis*. As the world goes, there is, for

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reasons not necessary to be specified, some merit in this. . . . You hinted to me that it had been in contemplation to nominate you for the Essex North, for the 20th Congress. Is it not time to hear more about it? ”

Cushing, however, postponed the announcement for a few weeks longer; but on October 8, a paragraph in the Boston *Patriot* stated that he was being mentioned as Varnum's successor. On the same day Everett wrote him:

“ I feel no doubt of your election; and should I be re-elected myself, shall highly enjoy the prospect of meeting you in Washington as a colleague. The present member ever trusted me with a friendliness which entitles him to the like good will from me, & he voted on all questions (if I remember) as I wished. But I must own, I think there is no room to hesitate between you and him, & I should consider it the truest friendship to him to advise him to decline the competition.”

A week later it was noted in the friendly *Patriot* that Cushing had been nominated for Congress by a convention of “ republican delegates,” assembled at New Rowley.

Cushing's supporters lost no time in presenting his qualifications to the electorate of Essex North. On the 14th his campaign was opened with the following letter, printed in the *Patriot*:

“ Mr. Editor, —

We are glad to perceive that the Hon. Caleb Cushing, of Newburyport, has been nominated as a candidate for representative to Congress at the approaching election from Essex North District. Mr. Cushing's talents, learning, and industry will render him, if elected, not only an ornament but a powerful accession to the strength of the Massachusetts delegation. We believe him to be an unequivocal supporter of the present administration, and should desire his election on that account. But he is in other respects peculiarly qualified to represent the interests of a large class of our citizens. Our claims upon

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several foreign nations for the spoilation of our commerce, some of them of several years' standing, are undoubtedly a subject of as deep interest as any that can come before the next Congress, — and Mr. Cushing has already evinced a zeal regarding them and an intimate acquaintance with them, especially with those on Denmark, which render his election desirable to the mercantile class who generally hold the claims. We know not whether his immediate constituents have interests of this kind to represent; but there is a vast amount of claims due to citizens of *this state*, and we should be glad to see a knowledge of the nature of them and the ability to prosecute them to some issue made an essential qualification in all our representatives. It is high time our government had assumed a more decided tone upon the subject, not so much on account of the money of which our merchants have been robbed, though that consideration is by no means to be neglected, as on account of the example that is due from us. . . .

MANY ”

During the next few days other communications appeared in the public press, representing several different views.

It must not be inferred that the opposing faction were letting the Cushing adherents have it all their own way. Stirred by the unexpected activity of Cushing's followers, the Varum men, in their turn, held a gathering at Ipswich, and reasserted with vehemence their loyalty to their nominee. The stage was thus set for a real contest, the like of which for malignity and unfairness has seldom been seen in undemonstrative New England. The trouble began on October 23, with a short letter in the *Statesman*, apparently of an innocuous character, which, under ordinary circumstances, would have attracted little attention from any one: —

“ We have frequently asserted that many of those who professed to be republicans, were willing to sacrifice everything, not only the dearest principles of republicanism, but even the

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honor of the state, for the sake of John Quincy Adams. Every one of the affiliated Adams presses which we receive, contains new confirmation of our assertion. For instance, the last *Essex Register*, to which the republicans have some right to look for support, has undertaken to pretend to be neutral in the election of a Representative to Congress from Essex North. The republicans from that district have never had a representative in Congress. They have now with great unanimity agreed to support the Hon. Caleb Cushing for that office, whose distinguished and unquestionable qualifications have united in his favor the warmest wishes of a large body of the federal electors, who at the present time deem it wise to select persons of sterling ability rather than to persist in upholding any man merely because he is a federalist. Yet the *Essex Register*, under the insidious pretext of neutrality, is virtually giving its influence to a federalist of the Hartford Convention school, in opposition to a republican, who possesses ten thousand times as high qualifications as his federal opponent. Tell it not in Gath! Publish it not in the streets of Ascalon!

A DEMOCRAT "

This effort to pin to Varnum the unpopular appellation of "federalist" would ordinarily have passed unnoticed as one of the customary amenities of a rather bitter campaign. But the *Statesman*, in the same issue, published an editorial, intimating that this letter, as that newspaper had received it, was in Cushing's handwriting, and that he had, therefore, resorted to the somewhat unusual strategy of composing his own eulogy. The accusation was obviously made upon the flimsiest of evidence, and appeared to most fair-minded men like a bit of malicious gossip. The sensible procedure would have been to ignore the charge entirely. But Caleb Cushing in such matters was excessively thin-skinned. Hostile criticism disturbed his mental equilibrium, and he insisted on facing his enemies. On the following day he sent to the Boston *Patriot* and the Newburyport *Herald*, a contradiction of the libel: —

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TO THE PUBLIC

"I hereby declare that the statement made in the *Boston Statesman* of the 23d instant, that I wrote a certain communication therein contained, is totally and absolutely false."

As a disavowal of responsibility no reply could have been clearer. Yet Cushing's foes, convinced that, if only enough mud could be thrown, some would certainly stick, were prepared to go farther. They declared that his denial had been so phrased as to refer, in its use of the word, "wrote," to the handwriting and not to the substance of the letter in question, and that he had, therefore, not repudiated a connection with or a knowledge of its contents. They alleged, moreover, that other communications of a similar tenor, especially the one signed "MANY," were also prepared by Caleb Cushing himself.

To Cushing, suffering from chronic illness and nervously on edge, these attacks were to a high degree exasperating, especially as the newspapers of Essex County were soon filled with echoes of the controversy. All that an innocent man could do, Cushing did. He published in both the *Statesman* and the *Patriot* long sworn statements, established by various affidavits, presenting the evidence in his defense. He submitted a sworn assertion by an unnamed person that the latter had written the letter signed "MANY," and he reiterated, under oath his denial that he had written or composed the letter signed "A DEMOCRAT," or any part of it. Furthermore his college classmate and friend, Samuel Eliot Sewall, a man whose integrity was unimpeachable, swore that a person, whose name he was not at liberty to divulge, had appeared before him and taken oath to the effect that the letter signed "A DEMOCRAT" was written, not by Cushing, but by the deponent, who was known to Sewall as "of

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respectable character and standing." This should have settled the matter. But his enemies were prepared to go even farther. They now insinuated, with sinister motives, that the real author of the letter was Mrs. Cushing, who had written it at her husband's instigation, and who had, therefore, been the "person" who appeared before Sewall. This malicious innuendo, involving the reputation of a lady of spotless character, was printed so short a time before the election day that Cushing had no opportunity to deny it, even if he had wished to bring his wife's fair name into the controversy.

The affair was evidently a baseless and contemptible conspiracy; but, trivial though it seems in the light of history, it materially affected Cushing's prospects. The Boston *Daily Advertiser*, perhaps his most unscrupulous critic, concluded an editorial on November 2, as follows:

"This Caleb Cushing has long been struggling to thrust himself into office, — he has electioneered for himself, — written puffs for himself, — he begins with himself, — perseveres for himself, — and ends with SELF. He is all for HIMSELF and NOTHING FOR US!!!"

There were other enemies also to assail him. William Lloyd Garrison, who had, in the years since 1822, acquired the ownership of the Newburyport *Free Press*, a Varnum paper, sold this sheet to John H. Harris, who promptly espoused Cushing's cause; and the future abolitionist did not hesitate to make his way uninvited into a Cushing meeting, where he made a scurrilous attack on the character of his former benefactor. Cushing's hopes, originally high, gradually fell as the intrigues and duplicity of the Varnum party were disclosed. He was not surprised when, after the election, it was announced that he had received only 882 votes to Varnum's 1899, 254 votes

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being cast for John Merrill and others. Cushing had large majorities in Newburyport, Salisbury, and Amesbury, where the people knew him best.

This was Caleb Cushing's first experience, — but unfortunately not his last, — with the calumny which a political campaign sometimes engenders. He found on his doorsteps anonymous letters assailing his private morals; he was warned that he was born to dangle at the end of a halter; he underwent the vilest misrepresentation. He learned through merciless teaching to know the political devices which unprincipled men adopt to gain their ends.

In his disappointment, Cushing took refuge, as he was fond of doing, in literary pursuits. In September, just before the opening of his Congressional campaign, Joseph Blunt, editor of the *Annual Register*, asked him to prepare for that publication several chapters on various European and Asiatic countries, at the modest rate of one dollar a page. At that time Cushing could promise nothing; but after his defeat, he took up the task in earnest, as a kind of anodyne. By February, 1827 he had completed accounts of Great Britain, France, Spain and Portugal, the North of Europe, Austria and Italy, Greece, Asia, Africa, the West Indies, Mexico, Colombia, Bolivia, and Brazil, — certainly a convincing proof, if any were required, of his industry and capacity for assimilating heterogeneous facts. Blunt, who had followed Cushing's progress with some unnecessary concern, joyfully acknowledged the receipt of the completed copy, and in July forwarded to the author the printed book. In carrying on the research required for these articles, Cushing added greatly to his store of knowledge. Day after day he appeared in the Boston Athenaeum as soon as the doors opened in the morning, and sat poring over books until

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the notice came to leave in the late afternoon. In this library, established in 1807 as a private corporation, he found solace and satisfaction for his intellectual needs. Of it he wrote at about this period:

"I never enter the library without feeling a sense of uncontrollable depression, when I cast my eye upon the vast number of books, which I long to read, & ought to have read, but have neither time, health, nor strength adequate to the purpose. How pitiable & contemptible are the rich, who, instead of devoting their ample leisure to intellectual pursuits, dissipate that time in idle frivolities or loathsome debauchery which to me would be a treasure of inestimable value."

Here, too, he found diversion in preparing articles for the *North American Review*. His correspondence with Sparks shows him to have been one of those willing and efficient workmen who delight an editor's heart.

In 1827 Sparks went to Europe for a year, leaving the *Review* in charge of Edward Everett, who lost no time in enlisting Cushing's coöperation. Cushing, as usual, was punctual in submitting copy to the acting editor; within the next few months he prepared essays on Compagnioni's *America*, *The Legal Condition of Women*, Hayti, Simon Bolivar, Sparks's *Life of Ledyard*, and Ancient and Modern History. Each of these was of considerable length, requiring careful labor and thorough preparation. Cushing's value as a regular contributor was by this time self-evident, and when, in 1829, John G. Palfrey took over the editorship, his first step was to write Cushing, begging him to continue writing essays for the magazine.

During 1828 he was occupied with many projects. He prepared for the *Annual Register* the sections on Mexico, Central America, Colombia, Peru, Bolivia, Chile, Brazil, Great Britain, France, Portugal, Spain, and Greece and

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Turkey. He published a pamphlet twenty-eight pages in length in defense of the right of Universalists to testify in a court of justice. He contributed, moreover, articles to the Boston *Monthly Magazine*, the Boston *Lyceum*, and other less important papers. In the spring of 1828 he considered the possibility of completing an Italian dictionary, which had been left unfinished at the death of Reverend George Otis; but, after inquiring into the financial prospects of such a book, he decided not to undertake it.

His defeat for the Congressional election seems to have left him restless and dissatisfied, and he meditated various means of escape from his environment. He wrote Judge Story, asking for an appointment as Reporter of the Supreme Court. He sought from Governor Lincoln a nomination as Master of Chancery for Essex County. Fortunately for him, he was unsuccessful in both applications. Craving diversion, he went in July, 1827, on a voyage to New York, and on another to Eastport, Maine. In the summer of 1828 he broke his labors with a trip to Niagara Falls, — "entirely by water," — that is, by boat to New York, thence up the Hudson to Albany, and from there by the Erie Canal to Buffalo. When he was at home, there were always appointments to be kept and committee meetings to be called. He served as Moderator of the Newburyport Town Meeting, and as Selectman. In the autumn of 1828, as an anti-Jackson candidate, he was again chosen as Representative to the General Court, where he took his seat early in 1829.

These were in many respects painful and unhappy years for Caleb Cushing. Conscious of steadily ripening powers, driven on by an ambition which tore at his soul, he found himself in a kind of "pent-up Utica," with no sufficient outlet for his energies. He rushed eagerly at

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every opportunity for escape into the larger world, but found himself blocked by ill health or hampered by other obligations. On January 17, 1829, — his twenty-ninth birthday, — he began a *Diary*, which, although continued for only a few months, is a faithful record of his aspirations at this period. Then, as always, inclined to introspection, he put here on paper his inner desires in the freest possible way, so that, as a revelation of his character, the notes in this musty yellow volume are of the highest importance. Some of the earlier entries will show what this self-conscious young man was thinking about:

“ January 17th, 1829. This day twenty-nine years old, and I commence the keeping a regular set of Commonplace Books, & a Diary. A plan commenced in 1818, & relinquished, but which I now regret I did not persist in. In it, I propose to make a record of memorabilia observed or heard — diary of opinions, feelings, & views — journal of study & books read — conversation to be remembered, & all collections not appropriate to my separate Commonplace Books.

January 20th. After having carefully read Schneider's *Danish Grammar*, & the extracts wh. it contains, at occasional times, I commenced reading the language in earnest Dec. 20, 1828, resolving to read one hour each day. Began with Oehlen-schlager's *Fortallingers* & have faithfully taken the hour each day & have read 116 pp. in 31 days.

January 21st. Subject of debate in the House of Representatives an order moved by Thos. Kendall for the abolishment of capital punishments. Francis Baylies, Chairman of the Com. on the Judiciary, who reported against it, supported the report in a speech of some length. Disappointed as to his style of speaking & ability as a debater. False taste of throwing himself about & looking at all sides of the house. Ungraceful gesticulation. Ranting air & manner. To this Mr. Sedgwick replied, & I followed on the same side. Complimented by the members for the efficacy of my reply to Baylies, style of speaking, etc., but censured by some for length. Mem. to cultivate condensation & brevity.

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January 26th. C.W.C. They charge me with two defects of manner in conversation. 1. Too much precision or preciseness as to manner & arrangement of language, etc. 2. Excess of earnestness — an *exigeant* air & style. Mem. Observe these points, & if so correct.

January 27th. How to become imbued with the style of Demosthenes? Careful perusal of him in the original? Translate the best speeches? Write a life of Demosthenes — answer to Mitford — companion of Middleton's Cicero — necessary to the accomplishment of an orator.

Burke — study of him necessary — I have injudiciously neglected him. Mem. as to the composition of my library. Sell or exchange a number of miscellaneous books which are of less value to me, & rely upon a collection of necessities, especially the orators like Demosthenes & Burke.

January 28. Query. Does not the best mode of effecting much consist in confining the attention for a given time to one subject, until it is acquired or accomplished? E.g. I wish to acquire Demosthenes. Devote all the leisure of 3 or 6 mos. to it, as the case may be, except only such occasional calls as it may be convenient or necessary to observe.

January 30. Debate on the expediency of assessing a state tax. Commenced in the House on Tuesday. Principal speakers White, Gray, Lowell, Newton, Blair, Beal, McKay, and Sedgwick for; & Shaw almost alone against. Debate closed to-day by a short speech from me against, & from Dexter in favor; & question taken, a majority of 27 against the tax. Baylies & Phillips voted against, but did not speak. I was greatly embarrassed to decide how to act. Bradbury says that my remarks, coming at the close of the debate, & presenting a new consideration, & new view of the question, decided the fence-men against a tax, & so determined. If so, I fear I shall have more of the responsibility of defeating the measure than I desire. Dexter seemed to intimate that I had reserved my fire to the last moment, in order to help a close vote when it labored, & that it had this effect. But I had no formed intention of the kind. Still, it is better, as a point of parliamentary practice, to reserve oneself for such a moment; and then by a speech, short, but to the point, to shake over the doubtful & undecided, & gain them to your side. Mem. also, to observe that in a protracted

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debate, if you come up in it late, you must be brief, pointed, & flash your position rather than discuss it at length. A fatigued house will receive favorably, when they are doubtful after a long debate, a few brilliant touches that are well aimed. Hence Dexter was well received. Besides, it gives you credit; as using your influence at the critical time, you are supposed to have decided the matter, although the same remarks, thrown in earlier, would prove of little avail; and therefore it is all important to *time* your speech right.

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January 31st. Josiah Quincy confirmed by the Board of Overseers as Pres. Harv. College. Much better office for Q. than Mayor of Boston. Permanent — equal salary — tranquil — honorable — wider known. Great opposition to him on account of his politics, & the indiscretion, rashness, & violence of his manner of proceeding. But I augur well of him on account of his frankness & manliness of character, which I think will take with the students; & it is everything to have broken the line of clerical appointments, & appointed a layman. Still I should have preferred Edw. Everett. His tact — his brilliant literary reputation — his splendid talents — the attachment of the scholars — all pointed to him; & if public opinion had been consulted, he would have received the appointment from the corporation.

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February 3d. Some men start so much game in the spacious field of thought that they overtake none. This observation conveys an important caution to all persons of a discursive turn of mind & of versatile talents, not to grasp more than they can hold & manage, & not to allow their strength to be wasted upon too many objects at once. Concentrated into a narrow space, the stream of thought runs with vigor & effect; diffused over a wide surface, it spreads into shallows & stagnant pools, or is dispersed in small insignificant rills. The application of the maxim is obvious in the general, but difficult often in the particular. To myself, & my own pursuits, for instance. If my time were devoted to the law, I should clearly attain a more profound knowledge. How far is my application to literature consistent with professional interest? How far does it go to

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give the qualities valuable to the orator & publicist? How far is my disposition to travel warranted by good policy in this point of view? Policy would show that I must make my pursuits abroad strictly minister to my main purpose, of intellectual advancement with a view to oratory, law, & public pursuits: which may be considered so far kindred objects as to be compatible with each other, & capable of being jointly pursued. After all, if my health were firm, I should be unwilling to quit the arena for a year. But I know I should acquire useful knowledge, & I hope the *eclat* gained by my residence abroad may serve to counterbalance the temporary separation from business-men & the public eye at home.

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February 5th. . . . Afternoon session H. of Rep. Question on the petition of E. Wheelwright & others to be annexed to Newburyport. Committee on Towns reported leave to withdraw. I moved for a bill & stated the case for the Petition. Silas Little spoke in reply — good humor, happily, plain homespun way — but effectively. After he had done, I rose and withdrew my motion, stating that L. had done the thing so handsomely, he had scattered my arguments to the winds; that I was happy the affair had proceeded so pleasantly, etc. One of those rare occasions when everybody is put in a good humor, etc. Everybody said I got more credit than by insisting on my motion & protracting the discussion, if I had maintained it ever so well. Useful to gain me influence with the country men to make a frank admission that one of their own class had beat me. Better to withdraw voluntarily than have a question dead against me.

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Conversation with Beal. Practice of R. Choate when in the House to attend only occasionally — neglecting the ordinary business of the House, & only making an elaborate speech now & then. Quære of this. He could thus acquire the reputation of talents, but no stable influence as a business member of the House.

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February 7th. S. S. Wilde. Advantages of education to the orator. S. S. W. undervalues it. Thinks little of manner,

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elocation, etc. Thinks nothing of instruction. Thinks every thing better self-taught. Is this correct view? Natural talents are necessary to the attainment of the highest excellence. But education also. Self-taught will always have great defects, which education would remove. Oratory, Demosthenes & Cicero examples. The ancients at large examples. Why did their orators excel? Education. Why do the orators of the last fifty years so greatly excel those before them in England at the bar & in parliament? Education. Holds good in the general. Theoph. Parsons a great man. But bad tastes, slovenly manners. Better if education had freed him of these blemishes.

February 12th. . . . Speedy decision of Civil Actions. Supported the bill. Probably my last speech in the House. I record, that I have had no opportunity or occasion to make any studied or premeditated speech. On every occasion when I have spoken, what I have said has been wholly unpremeditated. No subject has occurred, in which I have felt disposed to make an elaborate preparation; & when I have spoken, it has been from the impulse of the moment, as exigencies required & suggested. By this accidental turn of things, I have lost & I have gained. Lost, in the finish of my speeches, gained in their adaptation & spirit. On every occasion but one I have proved to be in the majority; & perhaps have contributed to create that majority. In that one case, I spoke partly against my better judgment (Broad rimmed wheels) to oblige the Ipswich interest. What I have said, at any rate, has always been attentively received.

R. Rantoul. Acquaintance contributes to elevate him in my opinion. If I should come into the House, & be called upon to vote without previous knowledge of the merits of the question, I should feel perfectly safe in voting as he did.

February 16th. The true secret of acquiring an accurate grammatical knowledge of a foreign language, & its peculiar idioms, is to translate it, especially if the translation be of poetry. I ascribe my accurate knowledge of Italian, French, & Spanish wholly to this practice almost.

February 18th. Nothing in this climate so much afflicts me as the violent northwest wind, which binds my whole system,

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communicating colds, headaches, flush of face, inflamed eyes, parched lips, & other disagreeable symptoms. They are precisely the sensations described by Ulloa as rendering the work of the astronomers among the Andes so painful, indicating the defect of our atmosphere to be extreme rarity & dryness, & excess of oxygen. I find this matter is the subject of universal complaint here & that of course it is not my solitary idiosyncrasy.

February 19th. Same winds. Same unpleasant effects on my health.

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March 7th. The last three days have given me little to record in my journal. A violent snowstorm on the evening of the 5th comes to renew the mischiefs & inconveniences of the storms of 20th February, being a sheer sacrifice of human comfort, health, & ease, & showing how little man is regarded in the working of the great machine of the universe.

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March 21st. Occupied at Court of Common Pleas these last three days. No civil actions were tried this term. I appeared in eight indictments, & succeeded in all of them, making a great smash in Mr. Minot's (County Attorney's) business, as three others were nol pros'd in consequence of the principles of law stated in mine by me & sustained by the court.

March 22. Temperaments. This topic is a curious subject of speculation, & interesting to each individual, who will naturally ask 'what is my temperament?' when he perceives the influence it is likely to exert on his destiny & happiness. Mine is the mixed sanguineous & bilious, plainly. In reading Richerand's Physiology, many years ago, I arrived at the same conclusion. The evils derived from my sanguineous temperament are a tendency to change, irresolution, & a want of constancy of purpose. It should be & shall be the study of my future years to acquire & practice steadiness of purpose & aim in the pursuits to which circumstances, taste, & ambition impel me, the cultivation of oratory & letters in their relations to practical employment. First, let me reestablish firm health. Then I will commence a new course in other fields of effort, where better scope for exertion may be afforded."

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Cushing's anxiety regarding his health had in the meantime grown more pressing. His irritation over the New England climate is merely a symptom of a kind of valedudinarianism which, as he himself realized, was indicative of nervous disease. He was troubled constantly by headaches and pains in his left breast. He learned that any excess in work or diet was likely to be costly. Aware that even his naturally robust constitution could not long stand such a strain, he made up his mind to spend a year in foreign travel, with the idea that the trip would not only improve his health but also add to his equipment as a statesman. When he consulted Everett on the matter in 1828, the latter replied:

"I have no doubt, that you would derive great benefit from such a tour of observation & study as you speak of. I ascribe almost everything valuable in my education, to my visit to Europe; altho' most of my time was passed in extreme seclusion. Your age and your being married create some ground for scruple; but I do not know that they essentially impair the strength of the inducements to go abroad. With a mere view to the practice of the law, I do not feel very competent to give an opinion, & am inclined to have doubts, which do not exist in reference to any other subjects alluded to. For general improvement, in reference to these objects, I should deem a visit to Europe all important to a person of your talent, industry, & habits of study & observation. London & Paris would, of course, be the two chief centers of attraction. Most of the German universities are merely places of scholastic seclusion."

The fact that his friends, Everett and George Bancroft, had lived for considerable periods in Europe was possibly instrumental in leading him to his decision. His father was now in easy financial circumstances, and, with his backing, Caleb Cushing felt no misgivings about the expense.

A voyage to Europe in those days was no trivial matter,

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and the Cushings spent many months in planning and preparing. Caleb Cushing wisely consulted both Everett and Bancroft with regard to the proper itinerary to follow. As early as June, 1827, Bancroft wrote him as follows:

"I got your letter last night, and readily enter into your views. Generally, I think nothing can be made more useful to a man than such a course as you suggest. To one of an inquisitive mind and habits already firm and disciplined to intellectual exertion, a tour of the kind you work out, cannot but be of the highest advantage. For the purposes of a publicist and a lover of the Roman law, a residence in Germany will be of high advantage. As to the Greek Orators, they can be wisely read there; but living specimens of good speakers you will not find in Germany. The business of pleading is all done in writing; and to my taste their best preachers are inferior to Dr. Channing, or what Mr. Everett was, as to oratorical effect. Political oratory of course does not exist on the continent except in Paris, and then to no very great degree. Paris is the grand center of the political news of the day, but in Germany the history of the past is more profoundly studied. In Germany you would have no greater facilities for learning French or Spanish than in New York. But I think you might make a knowledge of the German of great and permanent advantage to you. There is a world of legal knowledge in the language, to which our people are entirely strangers, and though of but indirect adaptation to our society, yet of intrinsic value & increasing interest.

No objections to your plan of any kind occur to me of a general nature. How far it will operate on your business, with what facility you may resume it, with what increased means advance it, I cannot judge. These are topics purely personal, and of which you can only estimate the bearings. As it regards a public career as a writer on the law or in letters, the advantages are apparent and vast. One great point gained is, the power of estimating rightly the details of foreign historians and to learn what trust to put in books of travels. But this is secondary, compared with the benefit which the mind would itself derive from the enlarged opportunities of observation.

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The expense of travelling will be increased to you about threefold, if Mrs. C. should be with you. A great many things can be borne by a man to which a lady would never expose herself. A more particular care is essential in providing quarters and in selecting means of conveyance. The long peace which has prevailed in Europe has I am told increased the facilities of travelling exceedingly. Still I think that you & Mrs. Cushing would not travel comfortably, unless you were prepared to spend at least \$2500 or perhaps \$3000 annually. But this expense could be diminished if you remained long in one place. You could live a year in Rome or Florence for less than \$2000. But a traveller is always meeting with demands upon his purse; he must of course see everything, & then servants must be fed; he must have masters in the languages; he must hear the best actors, & the best musicians; he must often submit to be imposed upon; and in short a man who is travelling always feels the necessity of having money at command. The expense would be greatest in Germany & least in Italy.

Meantime let me hear further as to your plans, if you make such as I can advance. I have friends at Göttingen, Berlin, and Hamburg, who remember me with kindness, & to whom I could address you. But an intelligent foreigner carries his own recommendations; the information which he can impart respecting his own country, is an ample compensation for any civilities he may receive."

Willing to investigate every possible opportunity, Cushing also made inquiries of Edward Everett, then still in the House of Representatives, asking his help in securing a minor diplomatic post in Europe, which would pay him some salary but still allow him to travel. Everett's reply was not encouraging:

"I do not know any kind of place, which you could expect to get, which would be compatible with the pursuits you have in view. The diplomatic *corps* is full, and if it were not, the places in it are none of them sinecures. Besides this, I should think it would in every way better comport with your views & objects, to go abroad responsible to no one. Should you deter-

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mine to go, I will, with pleasure, furnish you with such letters as I can; and it might perhaps be worth your while to prepare a little volume (of your essays in the N. A. Review, for instance) to assist in making yourself known abroad."

Naturally he consulted much with his father and Judge Wilde. John N. Cushing was inclined to favor his son's aspirations; Judge Wilde, who had less of the wanderer in his makeup, tried to dissuade the young couple. In his *Diary* for February 6, Cushing says:

"Voyage to Europe. S. S. Wilde has thought ill of it. Expense. Suspension of business. Undervalues all the intellectual advantages. Isaac Parker says that if in my situation he should have gone to Europe himself at any time previous to the last ten years. Told S. S. W. so. Says further as to business; that if I conclude to change my place of residence, no injury will come from a temporary suspension of business. It appears, then, that C. J. Parker views the subject as I do. I shall no longer hesitate about my plan of going abroad. His opinion will remove all the scruples of S. S. W., and J. N. Cushing is already favorable; and I have only to make the necessary arrangements."

He was intending at this time to spend at least two years; and his itinerary, as laid down on February 8 in his *Diary*, covered Great Britain, France, Spain, Italy, and Switzerland, with possible excursions into Germany and Greece. On February 11 he wrote in his *Diary*:

"Headache & ill. Nothing but travelling can restore me to vigor."

Two days later he secured a leave of absence for the remainder of the session in the Massachusetts General Court, and returned to Newburyport to make the final preparations.

Before embarking, Cushing wished to visit Washington, not only to secure the necessary passports but also

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to be present at the inauguration of President Andrew Jackson.¹ On February 23, therefore, he set out, reaching Boston, in spite of a heavy storm, late that evening. On Tuesday, the coach managed to struggle through the drifts to Providence, where he was marooned for three days, unable to get any transportation to the south. A snowstorm, followed by rain, had made the roads impassable, and Cushing, chafing under the delay, had to spend his time bringing his *Diary* up to date. On the 27th, despairing of reaching Washington for the inauguration, he returned to Boston and resumed his seat in the lower House. Buckingham, the editor of the *Courier*, made some jocular references to Cushing's trip "to pay his devotions to the rising sun," but otherwise his brief absence was hardly noticed. So it was that the weather, — "elementary changes," as Dr. Johnson would have said, — kept Cushing from being present at the inauguration when the democracy came at last into power and from watching the havoc which they wrought at the White House in covering costly carpets with mud and overturning rare vases.

For the next few days Cushing was busy in the State House, where he pushed through some important measures, and spoke frequently. On March 4, however, the General Court adjourned, and Cushing went back again to Newburyport. On March 7 he wrote in his *Diary*:

"In conversation with S. S. W. on my travels, I find he thinks better of it, now it is a thing decided on. He admits the advantage to my health, & even has changed his mind as to the operation of the journey upon my professional prospects."

The next weeks found many duties to which he had to

¹ Like most New Englanders, Cushing had voted for Adams in the 1828 election, and was disheartened at the victory of Jackson, the "people's President."

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attend. He consented to serve as Moderator of the annual Town Meeting, but declined to act as Selectman, because of his intended absence. On Saturday, March 27, he left Newburyport, reaching New York on Wednesday morning, where he spent the day. Arriving in Philadelphia Friday evening, he lingered there with his relatives until Saturday noon, when he rode on to Washington, where he was settled on Sunday morning. He lost no time in getting at the business of his trip. His account of his calls is best taken from his own description:

"Sunday evening at 7 Mr. John Varnum and I called at the lodgings of Mr. Van Buren, Secretary of State. Fortunately he was within, & received us. I had a letter to him from S. S. Wilde. He received me in the most courteous manner. Conceive a small man, dressed elegantly but in good taste, of light complexion and light hair, small brilliant eyes, & features of a fair & pleasing cast rather than powerful, & give him the most fascinating manners, & you have Mr. Van Buren. He treated me with great kindness, & conversed freely and affably upon indifferent topics. Having expressed my wish to see the President, telling him that the main object of my visit here was to make these calls, he called Mr. Jas. A. Hamilton from the inner apartment, and introduced me to Mr. H., who he said was to be with the Pres. in less than an hour & would introduce me. After a few minutes conversation, I told Mr. V. B. that I was grateful for the favor he had done me in admitting me to trespass upon his time, & took my leave.

At the appointed time I went to the President's house, & was shown into the back parlor by a servant, which seemed to be the one common sitting room. The chairs with crimson damask bottoms and back; a round table consisting of a single marble slab stood in the middle of the room. A sofa beside the fire to match the chairs. A piano-forte at the bottom of the room, on which I saw Jackson's March. A large pier-glass over the fireplace, & another of the same figure & dimensions at the side, & a table under this on which stood a small bust marked Chloris. On the chimney-piece was a French clock representing (Q.

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Fabius?) with the insignia of a Roman general. A figure standing as a supporter to the clock. The Pres. was at tea, when I came in, & I told the servant not to disturb him. In a few minutes he and Mr. H. entered the room. He immediately addressed me by name, having been prepared for this by Mr. H. I stated my object in coming to Washington to be able to pay my respects chiefly to the Pres. & offered this as an apology for calling at such an hour. He was somewhat bent, but looked well, & received me in a very friendly unpretending manner, & entered into conversation freely about the packets, roads, etc. After sitting a reasonable time, I rose & said I would not intrude upon his time any longer, which I knew must be precious, shook hands, & departed.

In both these calls I was lucky, because Monday the members of the cabinet will be full of business, & thronged with applicants probably. I should have mentioned a full-length of Washington suspended over the piano-forte."

His old rival, Varnum, who had procured for him the privilege of these interviews, was insistent that Cushing should apply for some office abroad, but Cushing suspected his motives, having reason to believe that Varnum would be glad to remove temporarily a dangerous contestant for the Congressional seat in Essex North. At any rate Cushing did little more than arrange for his passports, and was back again in Newburyport on April 12.

Preparations for the voyage were now rapidly completed. During the three or four weeks while he was getting ready, Cushing attended to a considerable number of cases in the Supreme Court, completed several articles for the "Conversation-Lexicon," and composed a review of Miller's *Memoirs* fifty-six pages long for the *American Quarterly Review* and an essay on Bolivia for the *North American Review*. All this was done while he was suffering from almost uninterrupted headaches and annoyed by a severe and painful skin eruption.

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Although he had originally intended to sail on his father's vessel, the *Nikolai*, that boat was much overdue, and Cushing finally determined to set out on the first available ship. In order to be ready for any emergency he and his wife went to Boston, hoping to get quarters on the *Janus*.

Caleb Cushing wrote to his father, May 30, 1829:

"We arrived here in safety, although very much fatigued. My cold is now much better, and my strength in a great degree restored, so that I can run about & attend to everything which is requisite. Caroline also walks out without inconvenience.

We have concluded to go in the *Janus*. She would have been loaded before this time but for the rain that has fallen during the week. Her cargo consists of tobacco & coffee. The prospect is that she will be ready to sail Wednesday morning. Judge Wilde has been on board & is satisfied with the accommodations, which are quite decent. As it happened, I met Mr. T. B. Curtis alongside the vessel on the morning after my arrival. He says he has known the vessel ever since she was begun, & that she is an excellent brig, of good model & material, & well constructed. He examined the accommodations below, and thinks them uncommonly good for a merchant brig, & says we could not reasonably expect a better opportunity. Our captain, Charles Knap, has also examined her (a friend of the Judge's) & is of the same opinion. I feel satisfied myself, that we shall get along well.

In regard to money matters, I think some little change of my plan is expedient. Mr. Welles has given me a letter of credit for 5000 francs on S. Welles & Co. of Paris, but I gather from the wording of the letter & from other information on such matters obtained here, that such a letter is given as a matter of favor & not as a business transaction; & that it is not expected it will be used except in case of unexpected emergency, unless funds are previously deposited. Now as I do not need any pecuniary favor from a stranger, & do not wish to have it, I prefer to make such a change in my plans as to place sufficient funds in the hands of S. Welles in Paris before I go south, &

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then I shall not feel as if I was receiving a pecuniary favor from him in taking his letter of credit to use in the Mediterranean."

At last, on Thursday, June 4, the *Janus* left the docks, and set sail for what was then the "long voyage" to European shores.

It will not be amiss here to recapitulate Caleb Cushing's achievements up to the age of thirty, when this trip began. As a legislator, he had gained no small distinction, and was justly well-known at the State House as an eminently useful member of the General Court. An article in the Newburyport *Herald* for January 27, 1829, written by W. S. Allen, gives a good contemporary estimate of Cushing's ability:

"Mr. Cushing of your town is a prominent speaker, & one altogether more chaste, correct, argumentative, & elegant than any other member of the House. I heard him in the debate on the question of revising the Criminal Code, & it would be absolutely a burlesque on the other speeches on that occasion to compare his with theirs. There was, in his speech, a distribution of topics, a correctness, harmony, & elegance of diction, & precision of language, the command of which has justly placed Mr. Cushing in the first rank of public debaters. I have seen Mr. Cushing in other situations, but am persuaded that his most solid fame is to rest on his parliamentary efforts. His best forensic exhibitions show a lack of that coarse familiarity with the varied points of personal character, that render the adept in this knowledge, who has the other requisites of acuteness & energy of intellect, the most successful advocate before a jury for the mass of the people."

Conformably to his habit of mind, which was to pass by praise and fasten on even the most trivial criticism, Cushing, commenting on this article, said:

"I am very sensible of the truth of the observation contained in the latter part of this paragraph. But how to remedy the defect? I confess I despair of effecting it. Indeed, I fear

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that the highest style of oratory is incompatible with the full possession of the properties requisite before a jury. The best jury lawyers have not been remarkable for the eloquence, finish, & dignity of their style as orators. Would it not be wisest for me to cultivate & endeavor to perfect the style of speaking in which I excel, rather than to seek another which it would be so difficult for me to attain? Again: is not the raised and finished style best for argument of questions of law? If I could reach the point of a mere advocate in law courts & of a parliamentary debater, I conceive I should be most in my element."

Unwilling to be satisfied with anything short of perfection, Cushing labored assiduously to attain the informality which Choate employed with so much effect. But all his toil could not make him supple in mind, as even his friendliest critics were obliged to admit. It will not do, however, to underestimate his ability as a lawyer. He usually won his causes; he was a dangerous foe; and his practice was large for so young a man. Had he been able to devote himself uninterruptedly to that profession he would have been one of the greatest advocates of his day. As it is, he stands not far below Choate, Webster, and Jeremiah Mason.

Successful though he had been as legislator and advocate, Cushing's substantial reputation in 1829 was probably based on his literary production. He estimated that, outside of *ephemera* in newspapers, he had written and published in books and magazines some 1655 pages, 506 of which were in the *North American Review*. In literature, of course, mere quantity counts for little; but Cushing's quality was high and varied.

Cushing's printed essays do not, however, represent all his writing for this period. He had on hand in 1829 a considerable number of manuscripts as yet unpublished. He had made, moreover, a list of literary projects which he hoped some day to undertake. Among these topics

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in the field of history were a history of Massachusetts, a history of Personal Slavery, histories of Peru, Mexico, the Spanish Empire in America, the English Language and Literature, and the Life and Voyages of Vespucci, to say nothing of biographies of Demosthenes, Pizarro, Cortez, and Columbus. He had considered with much seriousness the preparation of a history of North America, on the lines afterwards followed by his classmate, Bancroft. He had thought of writing certain law treatises, including the story of witch trials in Massachusetts, the details of Burr's trial, to say nothing of lives of Sir Francis Bacon, Grotius, Lord Mansfield, and Sir Henry Yelverton, and a series of biographies of English lawyers and judges. He had even discussed the possibility of producing a drama, and had evolved a list of possible subjects, among which were Bathsheba, The Witch of Endor, The Destruction of the Pequots, Tecumseh, Philip of Mount Hope, Agag, King of the Amalekites, The Death of Rollo, and Guatemozin. His most ambitious tragedy, however, was to have been on Oedipus, in five acts: Act I, Driven from the Altars of Corinth; Act II, Rencontre with Laius; Act III, Delivery of Thebes; Act IV, Coronation and Marriage; Act V, Catastrophe. As topics for what he called "Miscellaneous Poetry and Souvenirs" he had set down Manco Capac, Patry's Death, the Death of Saladin, Isabella of Castille, Ferdinand l'Ajourne, and Couriers of the Sun; and he had drawn outlines for anthologies of Italian and Spanish lyrical poetry. He contemplated editing a "Vade Mecum" for young men, to consist of selected essays as follows:—Bacon's *Essays* (selected), Warwick's *Spare Minutes*, Locke's *Conduct of Understanding*, Chesterfield's *Advice*, Galetéo, *Advice to Young Men*, and Franklin's *Essays*, with possibly Clarendon's *Essays* and

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Hale's *Advice to his Grandson*. Among the miscellaneous projects which he jotted down were Plain Rules for the Government of Children, the Progress of Poetry in Modern Europe, a Life of Thomas Jefferson, a Life of John Adams, a Philosophical Commentary on the Old and New Testament, a set of biographies of the principal Freethinkers in Modern Times, Longevity and Physical Education, an Analogy of the Danish and English Languages, Consequences of the Discovery of America, the Oratory of the Greeks and Romans, the Principles of the Republican Party, and translations of Lanfranchi and Chateaubriand.

It is unnecessary to say, after this list, that Cushing's mind was comprehensive and catholic in its tastes. It is probable, however, that he overestimated his literary genius. He would have been a painstaking, accurate, and scholarly historian, without much brilliancy of style or charm of treatment. As a dramatist, he would have been flat and uninspired. His best work was done in criticism and in oratory, for both of which his intellect and talents were well adapted.

The Caleb Cushing who sailed abroad in June, 1829, was probably little satisfied with his accomplishments. Attractive, intelligent, gifted, he had been ambitious for a distinguished career. Instead he had served acceptably in the Massachusetts General Court; he had won some distinction at the Essex Bar; he had written several hundred pages of essays and general literature; but nothing as yet had given him the place which he longed ardently to occupy among his fellowmen, — a place like that held by Webster and Everett, the two friends whom he admired the most.

CHAPTER FOUR

MAKING THE GRAND TOUR

"For always roaming with a hungry heart
Much have I seen and known."

TENNYSON, *Ulysses*.

PROPERLY equipped with letters of introduction to many of the great personages of Europe and with nearly every detail of their schedule thought out, the Cushings said farewell to Boston Harbor and sailed on what was in those days no insignificant voyage. It was nearly five weeks before they once more set foot on dry land. On July 11, 1829, shortly after he had disembarked in Holland, Cushing, from Rotterdam, wrote his little half-brother Philip:—

"We had a quiet & pleasant passage from Boston to this place. Take the map, & I will tell you where we are & how we got here. Start at Boston, & go eastwardly to the Bank of Newfoundland; from there to Scilly Isles near England; from there up the English Channel & by the Strait of Dover to the mouth of the river Maas or Meuse. This is a large town,—as large as Boston, but not half so handsome or pleasant. From Rotterdam we shall go by the steamboat to Antwerp, & from Antwerp to Brussels, & from Brussels to Paris. Take your maps & follow us along in the order of the places I have named."

After two weeks and more of sight-seeing in Holland and Belgium, the Cushings proceeded from Brussels to Paris. From this point the story of their travels is told entertainingly by Mrs. Cushing, who, without her husband's profound knowledge, had in her letters rather

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more grace of style and ease of manner. She liked scenery, music, pictures, plays, and frivolity. She possessed, moreover, a keen eye for the picturesque and a gift of accurate description which made her adventures seem very real. Her letters, presenting a fresh impression of the mood and *morale* of France just before the July Revolution of 1830, can be read with pleasure and profit to-day.

In Paris, for instance, she notes that, when the king, Charles X, and the royal family drove to the cathedral in carriages, "not even one solitary voice, amid the immense multitude, cried *Vive le Roi!*" She makes the comment, while in Bordeaux, that the priests "are excessively disliked by the great body of the nation." The Cushings soon settled down in the French capital, presented their letters of introduction, and started on a round of social entertainments, such as dinners and theatre parties. Mrs. Cushing, who was more interested than her husband in architectural monuments, wrote that "the church of La Madeleine, which was commenced by Bonaparte as a Temple of Glory, is not yet completed, but is sufficiently so to present a majestic and beautiful appearance, from whatever point it is viewed." So, too, with the Arc de Triomphe, which, she wrote, "is still far from finished, though it is in a state of progression." At the Academie Royale she heard *La Muette de Portici*, — "and never was I so perfectly charmed with any theatrical representation whatever, if I except Macready's Hamlet." *Tartuffe*, at the Théâtre Français, with Mlle. Mars in the role of leading lady, did not please her so much, principally because she "did not sufficiently understand the language to follow readily what was said."

Early in September the Cushings were delighted to receive a call from General Lafayette, whom Caleb Cush-

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ing had already met at Newburyport in 1824, and who courteously invited them to spend a few days at his country estate, La Grange. The old Marquis, who had just passed his seventy-second birthday but who was still to do important service through the Revolution of 1830, appeared in person on October 8, and gave them two seats in the carriage with himself and his granddaughter, Madame Perier, daughter of Mr. George Washington Lafayette. "Now," said the general, as they drove through the great gates, "we are on American ground." They were greeted by the servants with the utmost heartiness, and were ushered at once into the saloon.

"It is a circular room, handsomely, but simply furnished. Around the walls are suspended portraits of General Greene, of Mr. Monroe, John Adams, John Q. Adams, Jefferson, and Madison. . . . After remaining here for a short time, we were conducted to our own apartment, in which a warm fire was also burning and everything disposed for our reception. This room was hung with various prints of scenes in America."

The company passed the evening in "general and agreeable conversation." On the following morning they took a walk "around the domains."

"The General first conducted us to a pretty little building, with painted windows, in which was placed the Whitehall boat, called the American Star, presented to him at New York."

After several hours spent in rambling over the beautiful grounds, they returned to the château for lunch.

"After this we separated, to pursue whatever occupation we chose. And this is one of the great charms of La Grange; all are left at liberty to go or come as they please, without any of the restraints of ordinary visiting. You may read or write, — walk, sail, or hunt, as the one or the other is most agreeable to your taste, until the dinner bell gives the signal for again uniting."

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When breakfast was over on the next morning, the general showed them his museum of rarities, including portraits of his American friends, and "large drawers full of testimonials of affection and regard," including a remarkable collection of canes.

"The most beautiful cane that the General possesses, and that he always carried, is one cut from an apple-tree, beneath which he breakfasted with General Washington, on the morning of a memorable battle. The head is of gold, inscribed with his name, and beneath, 'It shaded him and his friend, Washington.'"

Lafayette, despite his advanced age, seemed very active and entertained his guests with a continuous series of anecdotes of distinguished men. They had one more memorable evening with him; then, on the next day, they rose early, but not too early for their venerable host, who bade them "Adieu!" and sped them on their way to the neighboring village of Rozoy. Thence they took the diligence for Paris, where they arrived on the next afternoon.

During their residence of over two months in Paris the Cushings saw much of the city, including all the spectacles which have since become familiar to generations of American tourists. Their tastes did not always agree. Caleb Cushing, for instance, preferred to linger in the courts and the legislative halls; Caroline Cushing liked the art galleries and the museums. Together, however, they visited the Bibliothèque du Roi, the Imprimerie Royale, Notre Dame and the Luxembourg, the Hôtel des Invalides and St. Denis, Père la Chaise and the Jardin des Plantes. They went sedulously, although not very enthusiastically, through the Louvre. They were fortunate enough to be in Versailles on a fête day, when *les grandes eaux* were playing. They were much diverted

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by the huge plaster elephant in the Place de la Bastille, which they considered "truly a most wonderful and admirable production of art," — higher praise than they bestowed upon the masterpieces of the Louvre. At the Cirque Olympique (Franconi's) they saw another elephant, — alive, — perform remarkable feats of agility and intelligence. They attended the annual meeting of the Institute, where they saw Cuvier, and marveled at the rude manners of the audience. They heard Mlle. Sontag and Mme. Sontag sing *Semiramide*. In fact, they did their best to get a fair and comprehensive view of the French capital in all its varied phases.

In a letter of September 15, Caleb Cushing discussed with his father some of their plans: —

"We embrace the opportunity of the return home by a friend living in Salem to send a packet of letters to our friends. Various considerations have induced me to remain here awhile, instead of travelling about, & going to Italy. The principal one is that I can employ my time so much more profitably here; & that a hurried visit of a few weeks would be comparatively of little service. My own observation, & the opinion of those most competent to judge, alike satisfy me of this. I think of staying here some time longer, & then of going to Spain. As you & Judge Wilde have each had some doubts on the score, I will explain particularly what has removed my scruples. There are now in Paris some Americans, who have each spent several years in Spain. They are Mr. A. H. Everett, Mrs. Everett, & a niece of his; Mr. John A. Smith, the nephew of President Adams; Washington Irving, the eminent writer, & his brother, Peter Irving, both of New York. I have conversed particularly & repeatedly with the four first named, & know that the sentiments of the other two are the same. They concur in saying that I shall meet with no difficulty in travelling in Spain; that they have been better pleased with the climate than with that of any part of Europe; that the stages are safe, regular, & convenient from Bayonne to Madrid, & from Perpignan & Barcelona to Madrid, as also from Madrid to Cadiz, & on some

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other great routes; that the danger from robbers is not so serious as to be sufficient cause to deter a traveller from traversing the country, being, in fact, no greater than it is in passing from Rome to Naples.

As to the circumstances mentioned by you of exciting the jealousy of the government, a stranger has nothing to apprehend. I have letters from Mr. Everett & others, which will ensure me a favorable reception, addressed to several of our consuls, to the American Secretary of Legation, to the Marchioness of Casa Yrujo, the head of one of the first families in Spain, to Senor Navarrete, the most distinguished man of letters in Madrid; & to other respectable persons as well in Madrid as in other parts of Spain.

Now, for the objects which are most important to me, next to the restoration of health, namely, for professional success & general distinction at home, England, France, & Spain are all important, the two first evidently, & the last above any part of Europe on account of our peculiar situation in America. It seems to be judicious, therefore, to secure what is of primary *utility* first; & if after that I have time & money for proceeding beyond the Alps, it will be in season to think of it. Such at least are my present views in regard to anything out of France or England, & especially as to Italy & Spain in comparison of each other. In regard to our health thus far it has manifestly & greatly improved; not so much from the passage, for I was sea-sick two-thirds of the time, as from the change of climate & of occupations on shore. I continue, therefore, to have the most satisfactory expectations of the benefit we shall derive from our tour.

We are very pleasantly situated as to lodgings. The family consists of the landlady, Mme. D'Invilliers, who is a widow, with two young children, boys of eleven and thirteen years of age; a young man, son of Dr. Jarvis, formerly minister of St. Paul's Church, in Boston; of Mr. Towne, a gentleman of our age from New York; & of Dr. Niles, the brother of Mrs. Dr. Noyes. We count ourselves exceedingly fortunate to have fallen upon this family. Our landlady is very attentive & solicitous to promote our comfort. Mr. Towne is very amiable & intelligent. Dr. Niles is particularly so, & from his long residence is able to show us many little acts of kindness of the

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most valuable description. At the same time the price we pay is moderate. All things being considered, therefore, when we see so many others not agreeably situated, & changing their lodgings without gaining anything by the change, we have great reason to be content."

The decision to include Spain in their itinerary having been made, the Cushings left Paris on the evening of October 13 and went by diligence to Orléans, where, with characteristic attention to detail, they paid a visit to the home of Pothier, the famous French lawyer whose treatises on maritime contracts Caleb Cushing had translated nearly ten years before. After meeting with an American friend, a gentleman whose acquaintance they had made in Paris, they went on by easy stages to Blois, Tours, Nantes, and Bordeaux, in which latter city they spent several days. Here they were induced to attend a Sunday *fête*, where Mrs. Cushing, whose Puritan conscience was still very much awake, was unfavorably impressed with the continental method of observing the Lord's Day. Bordeaux, however, seemed to them the "handsomest and most agreeable city" they had met with in France, outside of Paris.

On October 26 they set out by steamboat up the Garonne River to Marmande, and from there, in a "wretched voiture," to Agen and Toulouse, where they spent two days in sight-seeing. Turning again westward, they passed through Auch and Pau, arriving finally at the seaport of Bayonne, where the route to Spain started. On November 3, at eight o'clock in the evening, they crossed the bridge over the Bidassoa River, dividing France from Spain.

They were astonished to find themselves at once in a land of changed dress, changed customs, and unfamiliar language. Before she retired that night, Mrs. Cushing

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was initiated into the mysteries of oil and garlic, the two indispensable ingredients of all native Spanish dishes. The route which they followed was the national highway, through Vittoria and Burgos, direct to Madrid. Although the weather was misty and cold, the scenery was sufficiently wild to be interesting. The inns were wretched. At one *posada*, in Ondrubia, only three knives were provided for seven persons; this seemed just cause for complaint, until, at the next inn, the maid produced one solitary knife, the best that the house could offer. At last, on November 13, the party reached Madrid, where the Cushings took up quarters in a large *fonda*, the Fontana de Oro, which they soon exchanged for less expensive lodgings in the Calle de Alcalá, "one of the most frequented and pleasantest streets in Madrid." Their parlor was situated on the street, with large windows reaching from ceiling to floor. Here the Cushings improved their Spanish, observed Madrid life, and planned trips to points of interest in the capital. For more than two weeks, however, "sunny Spain" was wet and cold so that Mrs. Cushing did not even go out on the street until November 28, when she ventured to take a walk in the Prado. With the Museo del Prado she was much more pleased than she had been with the Louvre, and she noted the "great superiority" of the Spanish style of painting over the French. She was much disappointed, however, to meet only a few persons in the galleries, and contrasted this barrenness with the thronged rooms at the Louvre.

One afternoon she heard a loud cry, "El Rey, el Rey!" and, rushing to the window, had the doubtful satisfaction of seeing that infamous monarch, Ferdinand VII, riding by, taking his daily airing. "Torpid, bloated, and horrible to behold" he was, with a hundred crimes

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upon his conscience; but the Cushings gazed upon him with interest as the first "absolute sovereign" who had come within their ken. Two days later came the nuptial ceremony of this wanton king and his fourth wife, Maria Christina of Naples, daughter of the villainous ruler of the two Sicilies. The Cushings saw the long procession, were pleased with the appearance of the girlish queen, watched the magnificent illumination in the evening, — and then retired to dream of what Mrs. Cushing called "the splendid visions of the day."

Mrs. Cushing was particularly struck, during this celebration and at other times, by the contrast between the degrading and hopeless poverty of the common people and the extravagance of the nobility: —

"It is melancholy indeed to reflect upon the thousands of wretched beings in Madrid, who are absolutely dying with hunger and cold; while the money, lavished upon the jewels alone of the new Queen, is computed at two millions of dollars. . . . Such are the blessings of an absolute monarchy. The life, often, of the subject is considered but a trifle, when put in competition with the luxurious wants of the sovereign; and while he is surrounded with all that wealth and power can furnish him, his miserable people are too often reduced to the terrible alternative of expiring with famine, or of seeking a subsistence, purchased at the price of crime, and of never-ending dishonor. . . . In our fortunate country, where so many paths to an easy competency are always open to the active and industrious, no man need starve, except by choice. But in Spain it is entirely the reverse."

Desirous of seeing all the Spanish amusements, the Cushings went to the immense amphitheatre in which the bull-fights took place. They were fortunate in being present at a time when the royal bride and groom were there. Mrs. Cushing was rather pleased with the spectacle:—

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“Strange as it may appear there was a fascination about the whole scene which did away in a considerable degree with the painful and revolting feelings which arise at the sight of suffering even if it be the suffering of a brute.”

Two days later, however, she attended a second royal bull-fight, which turned out to be a disgusting exhibition, eighteen bulls being slaughtered and several horses mangled and gored.

The Cushings found several delightful friends in Madrid, among them being Van Ness, the newly appointed American Minister, of whom they saw a good deal in a social way, — although Caleb Cushing compared him quite unfavorably with Alexander H. Everett, the previous ambassador. Not until Christmas eve did they attend the theatre, and then, at the Teatro del Principe, they found a kind of fantastic vaudeville performance of no very elevating type. The days following Christmas were exceedingly cold, with cutting winds, which did not improve Mrs. Cushing's health. On the last day of the year, therefore, they set out for the south, taking the route through Toledo, Cordova, and Seville (where Cushing went through the famous wine-vaults of Xeres), to Cadiz. At the country inns Mrs. Cushing sometimes diverted herself with her guitar, and pleased the natives by occasionally playing it for their impromptu dancing. She gradually grew less suspicious of the inevitable dish of rabbit, made into hash and stewed in rice; she learned how to drink wine, as the natives did, from a small glass tube projecting out of the side of the common decanter found on every table; and she had long become accustomed to being enveloped in cigarette smoke wherever she went. At Seville, in the Alcázar gardens, they were delighted by a sight of oranges and lemons actually hanging from the trees. With this city, and particularly with

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its climate, they were charmed, especially as they were warmly welcomed by the only three American gentlemen in the vicinity: Alexander Burton, the United States Consul, and two Boston merchants, Thomas Maynard and Horatio Swett. From here, January 23, 1830, Caleb Cushing wrote a whimsical letter to little Philip:—

“As you will be curious to know something about the country where I now am, I shall give you an account of some strange things in it:

They take breakfast without coffee, tea, or butter.

They have no wells or pumps.

Their brandy is all white & their hogs black.

They have no feathers in their beds.

They do not drink their chocolate but eat it.

They bury the dead above ground, instead of under it.

It is so cold that the rivers are frozen over, but they have no fireplaces.

In the country they often live up chimney, although they have no fireplaces.

They manure the ground with oranges.

The lemons are sweet, and they make lemonade of oranges.

Their stages and carts are drawn without horses or oxen.

They sell firewood by the pound, and butter by the yard.

They use a great deal of milk, but have no cows.

Ladies wear bonnets in the house, but never out of doors.

Their wine bottles are made of leather, & they keep their oil in goat-skins.

They always say *good-night*, five hours before going to bed.

They go to church every day in the week, but the theatre is open twice on Sundays.

When they speak to a gentleman, they say *he*, instead of *you*.

The only *infants* in the country are two gentleman, who have several children.

Everybody travels on horseback, but not on the horse's back.

They put the mat in the middle of the best parlor, instead of leaving it in the entry.

The beds are so small that *two* can hardly get into them; & yet they seldom contain less than a *dozen* each.

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Some of the hog-pens are a mile in length.

They go to bed immediately after dinner, instead of waiting until after supper.

They have no *to-morrow*.

They put their carpets on their backs, not on their floors.

Finally the government is a *monarchy*, & yet they have *two kings*, one of whom is a *queen*.

If you can explain all these oddities, I shall think you are a very smart fellow, and as I think you have now got a budget of riddles to amuse yourself with, I shall take leave of you for the present, hoping you continue to be a good boy."

The roads at that season proving to be almost impassable, the Cushings went from Cadiz to Gibraltar by boat, around Cape Trafalgar, in just twenty-four hours. After a brief delay there, which gave them an opportunity for a chat with a party of American ship-masters, they set out for Malaga. As no diligence or carriage could be used, they were forced to make the journey by mule-back, Mrs. Cushing sitting in a *xamua*, or frame, employed in place of a saddle, and much resembling an arm-chair. In this strange contrivance she rode for long distances along the east coast of the peninsula. At Granada, where they arrived February 20, they lingered for eight days, investigating the Alhambra, to which they had been recommended by Washington Irving. Irving's *Alhambra* did not appear until 1832, but his *Chronicles of the Conquest of Granada* had been published in 1829, and Mrs. Cushing had read it with keen interest. Her description of the Alhambra does not suffer by comparison with that of her fellow-countryman.

Leaving Granada, the Cushings went north in leisurely fashion, stopping at Mercia, Alicante, Valencia, Tarra-gona, Barcelona, and Gerona, and finally, once more crossing a national border, entered French territory at Perpignan. After a tour of the Roman ruins at Narbonne,

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Montpelier, Nîmes, and Tarascon, they spent a few days at Marseilles, in the delightful Riviera spring season. Then, turning north, they went through Avignon to Lyons, and thence by way of Dijon to Paris, where they arrived on the evening of April 9, after an absence of nearly six months. Paris, as always in April, was damp and cold, and Mrs. Cushing was glad to spend four or five days indoors, recovering from the fatigue of her journey, which, during its last stages, had been quite irksome. She was soon sufficiently rested to visit the Gobelins, and she and her husband went to a *soirée* at General Lafayette's, where they renewed their acquaintance of the preceding autumn. They heard mass sung in the King's Chapel on the following Sunday, and on Monday took advantage of a beautiful day to make the river trip to St. Cloud. At last, on the 28th they said "Adieu!" to Paris, and drove out through Neuilly on the highroad to Rouen and Havre, at which latter place they took the steamboat for Southampton.

The Cushings arrived in England on May 2, 1830, at a time when the death of that corrupt and vicious monarch, George IV, was daily expected. He did not actually die, however, until June 26, and they were obliged to sail before the ceremonies attending the coronation of the bluff and popular William IV. In England, Caleb Cushing spent as much time as possible visiting Parliament and the various courts then in session. While Mrs. Cushing in London went sight-seeing with her friends, Mr. and Mrs. Perkins, he was occupied making acquaintances among lawyers and judges. Fortunately, as he wrote his father, both he and Caroline were once more "in perfect health." His former vitality and energy had returned, and he found himself able to perform an incredible amount of labor.

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Even a visit to England could not eradicate Cushing's insuperable prejudice against the people of that country. He met many charming English men and women; he was entertained in hospitable country homes; he was stirred by the grandeur of St. Paul's and Westminster Abbey; but, though he admired the history and the achievements of the empire, he could not love its characteristics. A kind of obstinacy kept him from admitting that any good could come out of Albion.

As soon as the July circuit courts had closed in London, the Cushings sailed, landing in Boston on September 4. On the following day Caleb Cushing, back in Newburyport, made an entry in his *Diary*:—

"I resume my Diary after a long suspension, the Note Books of my Travels in Europe occupying the intervening space from June 5th, 1829, when I set sail from Boston down to the day when I land in America. With invigorated health & chastened views & objects, I resume the pursuits of study & business which have been so interrupted, and with them the entries in this volume. May public usefulness & private contentment be my lot in life!"

Five days later he wrote:—

"Home always possesses charms after a long absence. I return to find the domestic circle unbroken as I left, & a cordial welcome to greet us from those whom we love best. A hundred little claims of business or domestic arrangements necessarily deprive me of the means of literary occupation. One is unsettled, and unmoored, as it were, under my present circumstances,—and time alone can restore the regular current of useful engagements."

With Caleb Cushing's scholarly instincts and passion for literary composition, it would have been cause for remark if he had not published a book on his experiences. It was, however, Mrs. Cushing who undertook really

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to describe their travels. Her journal, written to her father, Judge Wilde, was revised and privately published under the title *Letters Descriptive of Public Monuments, Scenery, and Manners in France and Spain*. The two volumes, one dealing with France and the other with Spain, were dedicated to Judge Wilde. Mrs. Cushing's style has much charm, and the story of her travels is entertaining.

Caleb Cushing's own *Reminiscences of Spain, the Country, its People, History, and Monuments*, in two volumes, was published in January, 1833, by Carter, Hendee, & Co. and Allen and Ticknor of Boston. It contained in all twenty-five separate sketches, displaying considerable variety of subject matter and treatment. Unfortunately for Cushing's book, it appeared within a few weeks after Washington Irving's *Alhambra*, with which it had much similarity in theme and arrangement. Cushing had had, of course, no opportunity of seeing the *Alhambra*; but he had read with much delight Irving's *Sketch-Book* (1820), and he had enjoyed some conversations with the shy and whimsical author in Paris in 1829. Cushing evidently had from the beginning the idea of a kind of "Spanish Sketch-Book" in his head. That Irving forestalled him in this design naturally did not help the sale of Cushing's work.

But, regardless of priority, it must be confessed that Cushing's *Reminiscences* could have had only a slight claim on the interest of posterity. His style is correct, smooth, lucid, — but frequently heavy. The sentences are deficient in flexibility and grace. He has none of Irving's humor or lightness of touch. All that he writes is serious to the verge of severity, and there is in his pages no note of either playfulness or satire. The book is readable but not entertaining.

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The articles vary much in quality and subject matter. There is a formidable allegory called *Fortuna*, in the ponderous and ornate style of Johnson's essays in the *Rambler*. There are a few translations of Spanish poetry, done with some faithfulness. *Abderahman's Testament*, an original ballad based on a Castilian legend, has a vigor which is not always usual in such imitations, and sometimes indicates that the author had read Scott to advantage:—

“ Rise Aragon, and proud Castille,
And Leon lift thy lance;
For o'er thy subject fields no more
The victor shall advance:
Azrael's wing o'ershadows now
The Caliph of the West,
Abderahman, the glorious King
Of Cordoba the blest.”

But the ring of stanzas like these is mechanical. With Cushing, as has been said before, versifying was always the product of will and intellect; he had none of that “spark o' Nature's fire” which has brightened the poetry of many of the minor bards. *Francisco del Toledo* is a brief review of some episodes in Peruvian history. *Garcia Perez*, a short story of the days of the Inquisition, although somewhat lumbering, has the double merit of being both mysterious and tragical; while *Valencia* is sheer description, with a touch of effective contrast in two sketches, one of a beautiful Spanish dancer, the other of a dead maiden. *Woman* is an undeniably dull disquisition on the condition of “females” in European countries. *Christmas in Madrid* is inferior to Mrs. Cushing's lighter letter on the same topic.

The reception of his *Reminiscences* taught Caleb Cushing that, in the field of *belles-lettres*, he was unlikely to

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attain distinction. As an historian, however, he had better qualifications. The French Revolution of 1830 had broken out while the Cushings were in London, and they had watched its developments with the keenest interest. Soon after his landing in America, he delivered an address before the Newbury Lyceum on the causes of the Revolution, — a lecture which he repeated that autumn before similar lyceums in Amesbury, Newburyport, Haverhill, and other places in the vicinity. In 1832 he prepared for the *American Annual Register* a long account of the revolutionary movement. This he used as a basis for a still more detailed treatment of the subject, — his *Review, Historical and Political, of the late Revolution in France*, which was printed in 1833, at the office of the Newburyport *Herald*, and published in December. During that summer Cushing was correcting the proof-sheets almost daily, as rapidly as they came from the press.

The first volume opens with a lengthy introduction giving a “Retrospect of European Civilization” and an “Idea of the French Revolution.” The style throughout is of the Latinized oratorical type, betraying the influence of Webster’s massive and sonorous phrasing. Cushing’s heroes in the Revolution of 1789 are Mirabeau and Lafayette, to each of whom he pays a graceful tribute. After this résumé of history comes a “Review of the Three Days,” in which he treats specifically of the dramatic events of July 27, 28, and 29, 1830, — events which were occurring while he was still in England. Here he is an admirable historian, not only painstaking, accurate, and just, but also clear and forceful in his narrative style. The second volume is devoted to the sequel of the “three days” in England and other European countries, and forms thus a summary of contemporary history.

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Cushing's attitude towards the Revolution of 1830 is that of a moderate liberal, intelligently progressive, but fearful of excesses, whether of tyranny or anarchy.

The effect of Cushing's foreign trip was thoroughly beneficial. He mastered the French and Spanish languages so that he never later lost his fluency in them. He learned to know the legislative and judicial methods of the most highly developed European peoples. He broadened his outlook and increased his tolerance. Incidentally he passed over a year in changed surroundings, where he found relief from his previous burdensome routine. When he landed in Boston in 1830, he was an altered man, — improved in health, revived in spirits, assured and confident that there must be, in the not far-distant future, a real work for him to do.

CHAPTER FIVE

THE STRUGGLE FOR A FOOTHOLD

“ His steps were slow, yet forward still
He pressed where others paused or failed.”

WHITTIER, *Rantoul*.

IN one of his essays of this period, called *The Moral of History*, Caleb Cushing is discovered pondering on the ancient controversy as to the relative advantages of the active and the contemplative career, — the same problem later presented by Longfellow in his *Morituri Salutamus*:

“ The scholar and the world! The endless strife
The discord in the harmonies of life!
The love of learning, the sequestered nooks,
And all the sweet serenity of books,
The market-place, the eager love of gain,
Whose aim is vanity and whose end is pain.”

For Cushing, the choice was no easy matter. Like Longfellow, who finally settled behind university walls, he was naturally a student, a haunter of libraries, with a scholar's proclivities and renunciations; yet there was also something within him which clamored for action, for a world of deeds as well as dreams. In his soliloquy, Cushing eventually decides, as Theodore Roosevelt did half a century later, in favor of the “ strenuous life,” and concludes, — to quote his own resounding phrases, — “ that a practical philosophy, capable of adaptation to the active duties of life, is superior to the mere wisdom

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of the closet," and that "each man was born, not for himself, but for his country."

It would be unprofitable to examine too closely the motives which brought him to this decision. Made during his travels, while he had ample leisure for reflection, it was the result of a powerful inclination confirmed by calm reasoning. The significant fact is that Caleb Cushing, fully restored to health, came back to Newburyport in September, 1830, with the conviction that he could not be happy as a cloistered scholar, and with the determination that he would emulate Edward Everett in making oratory and statesmanship the chief business of living. Once having formed this resolution, he was able gradually to limit his activities in study and writing and to devote himself primarily to his public obligations.

For a few weeks he was overwhelmed with legal responsibilities. After a session of the Court of Common Pleas, he made this entry in his *Diary*:

"The Court adjourned, after sitting the very unusual period of two weeks. Recent as my return was, I had a very fair portion of business, and one case in particular very severely contested, Willard vs Inhab. of Newburyport, in which I appeared for the town & was successful. In this, as in another case, Smith vs Condry, I tried the effect of strict acute practice as to the admissibility & order of examination of evidence, and found the method as useful in regard to the merits of the cases as it was happy in disconcerting & confusing the other party. I feel resolved to pursue it always."

In the midst of the engagements which crowded upon his time, Cushing was forced to plan definitely for the future. His friends and relatives advised him with unanimity not to apply for a government position, as he had thought of doing. He had also considered settling in New York City, but Judge Wilde's conservative coun-

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sel was so decidedly adverse to any such step that it was speedily abandoned. Something of Cushing's perplexity may be gathered from a note in his *Diary* for October 2:

"Much of my reflection is at present given to the question of my future pursuits, the questions being (1) Whether I should go to Boston or New York. I decide in favor of Boston. 1. from a preference of the people & the mode of transacting law business. 2. from consideration of the separation of our relations which New York would require. 3. from the advantage of retaining business & advancement already made in this quarter. (2) Whether I should go immediately, or wait until the spring, & go with the recommendation of a seat in the Legislature. (3) Whether I shall undertake the agency for the Danish claims in this town, & proceed to Washington at the appointment of commissioners. (4) Whether the agency should affect the question of my immediate removal to Boston. (5) Whether I should permit myself to be run for Congress. Of the latter question more anon."

In the last section of this entry lies the clue to Cushing's only partly-veiled ambition. His own attitude towards a Congressional nomination had to be determined expeditiously. John Varnum, who, it will be remembered, had defeated Cushing in the acrimonious campaign of 1826, was serving his third term, but had declined to be a candidate for the twenty-second Congress. The outlook for a new man, therefore, seemed very bright. There were, however, other aspirants in the field, the most dangerous of whom was John Merrill,¹ of Newbury, who had already been named by a group of Clay supporters. The Jacksonians, meanwhile, had put forward the name of Gayton P. Osgood,² of North Andover.

¹ John Merrill was a successful business man who had succeeded Caleb Cushing as State Senator from the Newburyport district, and had served four terms, from 1827 to 1830. He was now ambitious for a position of more consequence.

² Gayton Pickman Osgood (1797-1861), a graduate of Harvard

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When Cushing's friends assembled, they found thus two candidates before the people; but this did not deter them from nominating him as an independent. A committee promptly issued a letter in which were summed up Caleb Cushing's qualifications for a seat in Congress:

"He is, in our opinion, far better qualified, by his talents, his acquirements, his reputation as a scholar, his distinguished rank as a politician and an orator, to fill this important and responsible office, than any other candidate before the public. . . . He is favored with the most intimate acquaintance and personal friendship of many of the most distinguished delegates in Congress from this and other states. And we need not remind you, fellow-citizens, that the aid, countenance, and advice of such distinguished men as Webster and Everett, must be of the greatest moment to him who is just commencing his new and untried career in the Halls of Congress. We may add that his recent tour to Europe has given him the most favorable opportunity to compare the institutions of other countries with those of our own; and he has just returned with his mind stored with the rich fruits of his travels, and his heart warmed and strengthened in its attachment to the glorious institutions of his native land."

The political situation when Cushing returned to the United States in 1830 allowed him no choice as to party affiliations. The opposition to Andrew Jackson, never relaxed in conservative New England, had gathered headway as his administration continued, and his opponents included all of Cushing's close associates in public life, — Webster, Everett, Lincoln, Choate, and many others. It was inconceivable that Cushing, with his theories of government, should support Jackson. Meanwhile the "Eaton malaria" and the President's quarrels

in the class of 1815, was a profound scholar and classical student, "a product of the social stateliness of the Revolutionary period." Personally he was a man of unblemished character and high ideals.

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with his cabinet officials had placed weapons in the hands of Henry Clay which he was not slow to utilize. The hour was at hand for the formation of new parties, with Clay and Jackson as the respective leaders, and it was obviously Clay's function to pacify, assemble, and unite all the various elements antagonistic to Jackson. Thus it happened that Caleb Cushing found himself allied with Henry Clay.

In 1830, in Essex North, the Jackson men were considerably outnumbered, and, if the enemies of the administration could have presented a solid front, they would have scored a notable triumph. As it was, Merrill and Cushing split the "National Republican" vote, and the election in November resulted in a deadlock, Cushing receiving 1079, Merrill 816, and Osgood 807. Cushing, who had been confident of a more satisfactory outcome, was again sadly disillusioned, but preserved his outward equanimity. Judge Wilde wrote him a week later:

"I am glad to hear that you do not suffer the subject of the election to disturb your tranquility. I cannot, however, but be provoked at the persevering hostility from the quarter you mention."

This "persevering hostility" to which Judge Wilde refers emanated, apparently, from a little clique in Newburyport, who, for some reason not now possible to fathom, were resolved to block Cushing's ambitions. He had not a few loyal followers; but, like every man of aggressive personality and positive convictions, he had some jealous foes. In the "gentle art of making enemies" he was altogether too adept. Unfortunately, too, he seemed temperamentally unable to make conciliatory advances; like the proud Duke in Browning's poem, he chose "never to stoop." In politics as in law, his reliance

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was on a display of superior strength, and he scorned a resort to intrigue. The consequences of this policy were now showing themselves in the opposition which had been stirred up against him.

Nothing, however, could daunt his persistence. In mid-December, a convention of "National Republicans," — adherents of Henry Clay, — once more placed Cushing in nomination. Merrill, in the interim, had withdrawn; but the old group of malcontents seceded, and, adjourning to a hotel near by, named Stephen W. Marston,¹ of Newburyport. Osgood continued as the candidate of the Jackson party. The campaign now waxed warmer. Accused of being anti-Clay, Cushing replied, — "I am, and ever have been, attached to the American system, and to Mr. Clay, the great Champion of that system." The Newburyport *Herald*, which was backing Cushing, published in each issue letters from friends of its candidate. Political gatherings were held at every hamlet and cross-roads. The Marston men, to Cushing's disgust, revived against him the forgotten charges of 1826. It was a period of intense excitement, when men fought rough-and-tumble battles for their leaders and parsons thundered political denunciations from their pulpits. The special election of January, 1831, brought out, therefore, an exceptionally large vote. Cushing was still in the lead, with a total of 1907; this was not, however, sufficient to offset Osgood's 1349 and Marston's 1180.

The Newburyport *Herald*, now thoroughly aroused as to the seriousness of the *impasse*, published a thoughtful

¹ Stephen W. Marston (1787-1873), a graduate of Dartmouth in 1811, opened a law office in Newburyport in 1815. He served for some years as Selectman, and had eight terms in the General Court, being Cushing's colleague in 1829. Cushing and Marston were personal friends, and their political contests did not disturb this relationship.

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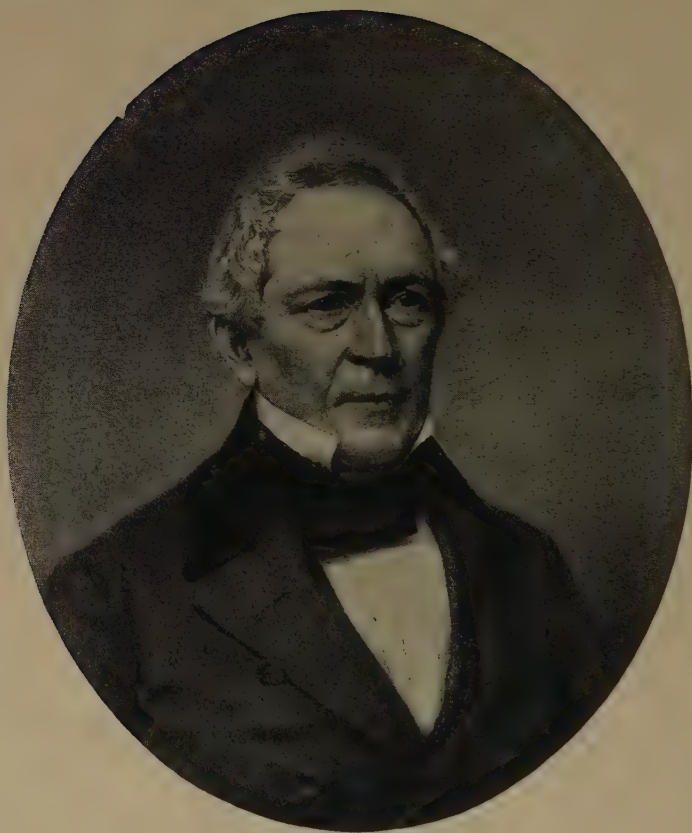
editorial, urging the necessity for a rally of National Republicans to combat the increasing strength of Jacksonism, and maintaining that, since Marston had no real chance of victory, the sensible course for good Clay men was to turn their votes to Cushing. When the *Haverhill Gazette* insisted that the "affair of 1826" could not be ignored, the *Herald* replied, — "The charge is not sustained; and, without better evidence, should be condoned." This seems like good advice, but it could not dislodge the opposition to Cushing. A third trial, on April 3, enabled Cushing to raise his vote to 2181, as against Osgood's 1613 and Marston's 1150; but he was still far from a majority.

Caleb Cushing now withdrew for some five or six weeks from the scene of the conflict, and took a trip to Washington and Richmond with his wife. In his absence, his opponents redoubled their efforts. Unsuccessful with Merrill and Marston, the anti-Cushing faction now united on a new candidate, — Dr. Joseph Kittridge,¹ of Andover; but a fourth test of strength resulted merely in transferring the former Marston votes to Kittridge, Cushing still remaining in the lead. The campaign did not decrease in violence. In March, Judge Wilde wrote Cushing:

"I do not think the whole history of political and party abuse, bad as it has been frequently, can be found to equal the foul and scurrilous attacks which have been made on one who has done so little to provoke or deserve such treatment."

A fifth trial, in September, disclosed no perceptible

¹ Dr. Joseph Kittridge, a Dartmouth graduate in the class of 1806, took over his father's extensive medical practice in North Andover at the latter's death in 1818, and acquired by inheritance a large property in that town. He was a gentleman of high culture and courteous manners, who was very popular in his own district.



Edward Everett

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change of sentiment, but a week later the *Herald* declared that Cushing would never abandon the struggle. Cushing himself wrote his friend Niles, October 3:

“We are quarreling in Essex North about a Representative, as you have probably heard. At each trial I have had a large plurality of the votes, & my opponents have put up one candidate after another with total recklessness of principle. I take it all coolly, and go on with my professional and literary pursuits as usual. According to the representatives of one side, I am the devil, while the other side take the opposite extreme and make me a little cherub; but I think the truth lies between them, and that I am very well as the world fares.”

Cushing was not always so calm as he would have had his friend believe. In November, the Newburyport *Advertiser* saw fit to denounce the Cushing supporters as “aristocratic,” and to assert that Cushing himself was “anti-religious” in his opinions. The latter was so stirred at this unscrupulous attack that he went at once to consult Edward Everett, and then wrote him the following letter:

“I beg of you to understand that I am not making any profession of faith, nor any communication of religious opinions. But in reflecting on the subject of our conversation of this morning, I could not but feel how little apt the world is to do justice to the feelings of principles of individuals. My pursuits have been of a worldly nature; and men have rashly inferred that, because I made no profession, I did not entertain sober and just views on the subject of religion. Others, either taking up a malignant falsification of innocent expressions, or fabricating expressions for me out of absolute nothingness, have accused me of infidel opinions. Whoever imputes these to me utters a falsehood, either knowing it to be so, or being himself deceived by wicked men. I challenge any man to find act or word of my life to support such an accusation. You know, and everybody else who has lived with me knows, that my life and conversation have been blameless always; I say *always*, for no honorable man im-

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putes aught against me except the false interpretation of the affair of 1826, as it is called; & I wish that the James Otises & John Pritchetts who fill the community with homilies upon that transaction could place their hands upon their hearts & in the sight of God say they were worthy to become patterns of morality & religion. I wish them no worse punishment for their unprincipled persecution of me than the workings of their own corrupt passions or the thoughts of their own stinging consciences. Furthermore, I have written much for the press, & my conversation has been ever free & undisguised with all men; & I challenge any one to find a sentence of mine which does not inculcate the great principles of morality & religion, alike dear to all of us. That you may see this is no idle boast, I beg of you to read the *Address*, which I send you herewith; & as it is, I believe, the only copy which I possess, be good enough to return it as soon as you have had time to read it."

The truth is that the voters of Essex North were being swayed by prejudices, not by cool reason; emotions, not facts, guided their conduct at the polls. Another trial, in November, was ineffectual; a seventh, in January, 1832, and an eighth, in February, brought no more satisfactory results. Cushing, as before, was regularly in the lead, but always by too indecisive a margin.

Early in January, 1832, Cushing, desirous of taking his half-invalid wife to a warmer climate and not reluctant himself to escape for a time from the bickerings and buffetings of Essex North politics, went with her to Washington, where he had business. But, though absent from the battle-front, he was kept informed, through his lieutenants, of the movements of the enemy. After the seventh election, in January, Cushing wrote to his supporters indicating his willingness to agree to any compromise with the Kittridge party, but no arrangement could be reached. When the eighth trial was over, William S. Allen, who seems to have been Cushing's man-

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ager, wrote him, analyzing the results and advising him to withdraw:

"You will perceive that your friends have made great exertions and done themselves much honor. An election, however, is not soon to be expected. The parties have become fixed in their prejudices or opinions, and those who oppose you are impelled by a pride of feeling which it seems almost impossible to subdue. . . . I shall persist in your behalf, so long as your warmest friends think it advisable to persist, even against the present opposition. But I will not withhold from you the character of that opposition. It has gone too far. It has done too much. But still that opposition wants only one pretext to desist. They wish you to decline as a candidate for the present Congress, — to withdraw for the present, — and they thereby redeem their pledge. And, depend upon it, right glad will they be to redeem that pledge, & very slow will they be ever again to be involved in such a contest as that pledge has plunged them into."

Cushing had too much practical sagacity to insist on pressing his cause when it was obviously hopeless to do so. At the ninth trial, held in March, Dr. Kittridge, as Allen had feared, secured a plurality of the votes, and Cushing sank into second place. On March 22, Judge Wilde wrote Caroline Cushing:

"I have seen an account of a partial result of the election, which looks bad enough. There can be no doubt that there is an impression that Caleb cannot be elected, & so some fall off & others relax their exertions. The whole opposition from first to last has been such that it ought to disgust all honest honorable men."

Two days before this, at a meeting of Cushing men held in Ipswich, a letter was read from him, in which he definitely retired from the contest; and his withdrawal was regretfully accepted.

Unfortunately the rancor and bitterness of the political quarrel in Essex North did not cease when Caleb Cushing

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was no longer a candidate. On April 1, Judge Wilde wrote him:

"I was sorry to learn that the irritation of the late electioneering struggles still continues, & is likely to do further evil. I was in hopes that it might subside after your retreating from the contest, but after all perhaps we ought not to be surprised at the failure of such hopes. To expect parties to unite after such a quarrel as has been going on in Essex North for the last five or six months is a vain expectation. Where there has been so much injustice on the one side and so much just cause for resentment on the other, how can a reunion be expected? . . . The best course for you to pursue, as it seems to me, is to avoid as much as possible taking part in the contest for the future. Time will do you justice, I make no doubt, & if it does not, you will have the consciousness of having pursued an honorable manly course throughout, which is the best support we can have under a sense of injustice."

Cushing did his part in urging his supporters not to vote for him any longer; but, although he was no longer a candidate, special elections held on April 5, May 14, and September 3 resulted in such a large "scattering" vote from his adherents that neither Kittridge nor Osgood could secure a majority.

Shrewd politicians in the district were meanwhile busy weaving schemes for breaking the Congressional deadlock. John Greenleaf Whittier,¹ who had recently returned to the Essex North District, had himself some

¹ John Greenleaf Whittier (1807-92) was born in East Haverhill, only a few miles from Newburyport. Some of his earlier poems were printed in Garrison's *Free Press*, in Newburyport. Cushing had once met him in the Boston Athenaeum, and the two men were, by 1832, fairly well acquainted. In 1829, Whittier had gone to Boston to edit the *American Manufacturer*; for the first six months of 1830, he had edited the *Haverhill Gazette*; and in July, 1830, he went to Hartford, Connecticut, to take charge of the *New England Review*, which was a strong supporter of Henry Clay. At the close of 1831, he was again in Haverhill, uncertain as to his future career.

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political aspirations, but supported Caleb Cushing for Congress until the latter withdrew his name in March, 1832. It was then suggested that Whittier should run as a compromise candidate, and the young poet would undoubtedly have done so but for the fact that, not having reached the age of twenty-five, he was ineligible to that office. Remembering, however, that this legal disability would be removed after December 17, 1832, he wrote in August to Harriman, editor of the Haverhill *Iris* (a Cushing newspaper), presenting a method for prolonging the deadlock until after that date and then announcing himself as a candidate. Whittier, advocating strategy more worthy of a Tammany "boss" than of a New England reformer, urged Harriman to persuade the Cushing men to support their leader once more, and to encourage them by the argument that the Kittridge followers were ready to abandon the fight. In the same breath Whittier assured Harriman that Cushing could not really be elected, and that, after one more defeat, the latter would be willing to turn his strength over to Whittier.

This subtle and rather devious plan fell through, partly because Caleb Cushing during that summer suffered a misfortune which removed him for a time entirely from the realm of politics. His wife, Caroline, who had always been frail, but who appeared to be in more robust health after her return from Europe, seemed, in the autumn of 1831, to be getting steadily weaker. Her husband, as we have seen, took her to Washington, where, during the early months of 1832, she revived in vigor and in spirits. Soon after she reached Newburyport in the spring, her vitality diminished and medicines were of no avail. On the morning of Tuesday, August 28, while a terrible cholera epidemic was raging in New England,

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she passed quietly away, — fading like a delicate flower. She was buried in the New Hill cemetery in Newburyport, where her husband was placed by her side more than forty-seven years later.

Caroline Cushing was a woman of unusual intellectual and literary gifts, with a mind less profound but more flexible than her husband's. Her letters have a felicity and humor which might well, under other circumstances, have gained her some distinction as a writer. With her quick judgments and keen wit, she was a shrewd critic of Cushing's work, and often made helpful comments upon it. No one who knew her ever forgot her sweetness of disposition and warmth of feeling. Never ruffled, always calm and cheerful, she smoothed the way for her husband in his many hours of discouragement; and the shock of her death left him crushed and despairing.¹

When, therefore, a convention of National Republicans once more placed him in nomination and called for party unanimity, he was in no mood for any political struggle, and politely declined, suggesting, however, that Jeremiah Nelson,² of Newburyport, might prove to be

¹ After his death, his relatives found among his papers a small leather-bound volume, with Caroline Cushing's picture as a frontispiece, into which he had copied in his clear and bold hand poems from different languages, — English, French, Italian, Spanish, and Portuguese, — expressing grief for a dead wife. Among them were Felecia Hemans's *The Charmed Picture*, Milton's *On His Wife*, Mrs. Norton's *The Widower*, several of Petrarch's sonnets, Byron's *To Thyrza*, and others. It was a mute and affecting indication of the loss which he felt.

² Jeremiah Nelson (1768–1838) graduated at Dartmouth in 1790, and became a dry-goods merchant and insurance man in Newburyport. He was elected to Congress in 1805 serving only one term; but he was again chosen as Representative in 1815, and held his seat until 1825. He was later President of the Newburyport Mutual Fire Insurance Company. His record was unimpeachable, and he was universally trusted.

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an acceptable substitute. It so happened that Nelson, who was able to please both the Cushing and the Kittridge groups, was an ideal compromise candidate. Uniting all the anti-Jackson forces in the districts, he received 2952 votes to Osgood's 1686, at the election in November. Thus, after thirteen trials, the deadlock was broken. Both Whittier and Cushing were disappointed men.

The strain of these campaigns, combined with his domestic grief, left Caleb Cushing weary in body and disconsolate in spirit. His friends, however, had insisted on electing him to the General Court. He spent December under a physician's care, trying for the first time in his life to rest; but January, 1833, found him in Boston, attending the sessions at the State House and, in spite of his continued indisposition, getting through an incredible amount of work. In February he wrote his step-mother:

"I continue to be sometimes better, sometimes worse, but still in such condition as to be able to work along in my various affairs. On the whole, however, I think that I do better here than at home, chiefly because I keep in a constant succession of business and amusements. I have been to a number of dinner & evening parties, and have engagements & invitations to them continually; in addition to which I go to the theatre, as you know, pretty often. Such are my amusements. As to business, I attend in my place in the legislature; but I do not speak *frequently*, because I am very anxious not to have people find me too common, for that, you will perceive, would have a very bad effect, although it is a thing which public men are bound to forget. My book goes on very well, & will be finished in a few weeks. You will have seen that I delivered a speech in the Park Street Church last week, which has been exceedingly well received, as were those which I made here on similar occasions this winter. Last night I delivered a discourse before the Franklin Association; this evening I lecture before the Charlestown Lyceum; to-morrow evening at Lynn; & Friday evening

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in Medford. This evening I go to a party in Charlestown; as also to others on Thursday and Friday in Boston. Withal I take great pleasure in the society of Ann, George, & her father. It seems to me more like home than any other place, of course, and then is pleasant in all respects. As to the women whom I have seen at parties, I cannot say that they awaken the slightest partiality in my mind of a personal nature; and thus far all is well in that respect. So much for my own affairs, as to which I know you look for intelligence; & therefore give it in full, at the risk of being egotistical. . . . I will merely add that I hang along in the old way upon sago and gum arabic, not essentially affected, however, that I perceive, either by medicines or diet. I am gradually coming to the conviction, with my father, that my best hope is in scouring the shores of the Mediterranean, which, I have no doubt, would set me on my legs again; and so long as I grow no worse, and continue able to work along through the affairs of the House and other incidental matters which I have in hand, I shall be content."

Events so shaped themselves that Caleb Cushing soon had his mind taken from his infirmities. Nelson, the new Representative from Essex North in Congress, was growing old and did not like to be away from his home in Newburyport. He had only a few weeks to serve in the twenty-second Congress, and the period had already passed when a Representative to the twenty-third Congress would ordinarily have to be chosen. There was, therefore, no alternative but to call a special election for the spring of 1833. Cushing's old opponent, Osgood, was the standard-bearer of the Jacksonians. A convention, held at Andover and presided over by Dr. Kittridge, nominated Caleb Cushing, and it looked for a few days as if the parties were at last to be lined up against one another. But Cushing's enemies, still unpacified, put forward Ebenezer Bradbury, of Newburyport, hoping that he would draw enough National Republican votes to cause another deadlock. Whittier, who undoubtedly

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voiced the sentiment of most intelligent citizens in the district, wrote letters to the Haverhill *Iris*, under various signatures, advocating Cushing's election; but, when the votes were counted on April 1, it was found that there was no choice. Another trial in May had a similar result. On May 7, the day after this test, Whittier wrote Cushing:

"I ought long ago to have acknowledged the receipt of your letter dated at Boston:—but I am a sadly negligent correspondent; and besides what with ill health, & the petty cares & anxieties of a farmer's business, I have little leisure for writing.

The result of the last ballot for Congress I have not yet learned. Haverhill, you will see, gives a firmer vote than ever. All your friends here are resolute & unshaken.

An unfortunate paragraph in the Lowell papers probably did us some injury. Under the expectation that you would decline after this ballot, the Bradbury party were quite active. Should the last trial terminate, as the others have done, do not gratify yr. opponents by declining. There is but one sentiment on the subject among yr. friends here. We all wish you to remain a candidate. . . . I have only time to beg of you, whatever may be the result of this trial, to allow yourself to be our candidate still. Sooner or later we must triumph."

Accepting Whittier's advice, Caleb Cushing did not withdraw his name, but resolved to fight the battle to a finish. Bradbury, however, had had enough and refused to run again. As a consequence, Cushing and Osgood were at last given an opportunity of bringing out their full strength. There were, however, new issues to complicate the campaign. The Antimasons, just beginning to realize their power, naturally opposed Cushing, who was a member of the Masonic order. Their votes, with those of the Jackson Democrats and of Cushing's implacable enemies in the National Republican camp, were now united against him. At the special election in June, Os-

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good received 3277 votes to Cushing's 2894. The long contest was concluded, and Gayton P. Osgood, Jacksonian Democrat, was seated in Congress as the representative of a district which was actually overwhelmingly anti-Jackson. Such are the ironies of American politics.

As may readily be understood, the complex national issues of this uncertain period just before the rise of the Whig Party were giving Caleb Cushing much concern. On getting back from Europe, he promptly allied himself with the heterogeneous anti-Jackson group, ostensibly as a National Republican. Jackson disapproved of internal improvements at Federal expense, opposed a protective tariff, and disliked banks and bankers; and on each one of these points, Cushing sharply disagreed with him. On October 31, 1831, Cushing wrote his friend, Niles, an analysis of the situation:

"The new combinations are not yet completely organized, but the nation will probably be divided on the presidential question during the coming canvass as follows. 1. There will be a large party for General Jackson without any reference to the succession. This party is represented by the *Globe*, and Mr. Van Buren may be considered its leading man. 2. A large fragment has been struck off from the Jackson party by the Calhoun controversy, and the dissolution of the last cabinet. They are represented by the *Telegraph*, and will, I suppose, go for Mr. Calhoun, opposed to General Jackson. 3. The Clay party, consisting of the great body of the great body of the old Adams party. Their organization is the *W. Journal*. 4. Finally, the antimasons have just met in convention at Baltimore, & nominated Mr. Wirt, of Virginia. Such is the prospect at present. Which of these four candidates will be successful it is impossible to say; but I must confess, however unwillingly, that I think Gen'l Jackson has a better chance of being elected by the people than either of the others. . . . I am at Washington at present on professional business, as I have been and shall continue to be occasionally, although I reside in Newburyport."

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In the presidential campaign of 1832, which was fought mainly on the question of the recharter of a United States Bank, Cushing, who supported Clay and Sargent, was disappointed, though not surprised, at the completeness of Jackson's victory. Massachusetts had cast her fourteen electoral votes for the National Republican candidates; and Cushing, like most New Englanders of the commercial and professional classes, was becoming increasingly bitter against an administration which was certainly "bad for business." The removal of the deposits from the Bank of the United States,¹ in 1833, was a blow which was felt severely in financial circles, and almost stunned the "solid men of Boston" whom Webster so well represented. When the Massachusetts Senator came out firmly in condemnation of Jackson, Cushing wrote him, January 24, 1834:

"Early in the present session, when the newspapers and private circles were filled with the speculation concerning your opinions and probable course on the great question which agitates the country, I took a fit opportunity, in a meeting of the opposition members of the legislature, to declare my belief, at some length, that the sinister arguments on the subject which made their appearance in certain quarters were destitute of sense and

¹ Jackson, determined to weaken the United States Bank before its dissolution in 1836, instructed his Secretary of the Treasury, William J. Duane, to issue an order directing the government officials to cease depositing money in that bank. Duane refused to do this, and was removed by Jackson, who appointed Roger B. Taney to the vacant cabinet position. Taney, more pliant, issued the necessary order on September 26, 1833. When Congress met in December, this was the universal topic of discussion. Webster, who had been made Chairman of the Senate Committee on Finance, spoke frequently in December favoring a resolution introduced by Clay, to the effect that the reasons assigned by Secretary Taney for the stoppage of deposits were unsatisfactory. Webster argued that the deposits should be restored to the Bank of the United States, and supported the rechartering of the existing bank. Cushing's views at this time were substantially like those of Webster.

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reason, and that they originated in the familiar desires of party, — our enemy hoping by such means to impair our confidence in the main pillar and defender of the Constitution. I need hardly say, of course, that the attitude maintained by you since you entered upon the question in your place in the Senate a fortnight since, has given me the highest personal satisfaction; nor should I, on this account merely, have allowed myself to address you on the present occasion. But I cannot forbear, as one having some means of observing and appreciating the fact, to speak to you of the warm, decided, and unqualified expressions of universal gratitude and admiration, uttered by all but the mere slaves of the Administration, in contemplation as well of the manner as of the matter of the several speeches you have recently made in the Senate. Mr. McDuffie, Mr. Clay, Mr. Binney, Mr. Calhoun, had fixed in the minds of the people settled convictions as to what is past; but in such a view of the topic more or less of party considerations of necessity intervened, and deprived their speeches of some portion of the effect which they would otherwise have exerted; you, by fastening attention on the present and the future, — by demanding to know what *shall* be done, rather than discussing what *has been* done, have compelled the Administration to look the question directly in the face, and thus have in the most efficient possible mode come up to the exigencies of your public reputation and the demands of your country. Meantime, grateful and gratified for these words, we await, with eager expectations, the Report of the Committee of Finance.”

A few weeks later, in February, Cushing delivered in the Massachusetts House a philippic against Jackson which was regarded by those who heard it as a classic of denunciatory eloquence. At Thanksgiving, 1833, he said, the nation was contented and prosperous; since then, because of Jackson's financial measures, distress had become universal. Following Webster, he defended the Bank of the United States, insisting that only through it could capital secure adequate protection. His conclusion indicated his true attitude towards the administration:

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“And this, forsooth, is the people’s President, the democratic President! Phaeton-like, he rashly throws himself into the chariot of state, and dashes blindly on, scattering ruin and dismay around him; but his disastrous career must and will end; although it is dealing terrible retribution on those who willed or suffered that he should govern the Union.”

Cushing’s indignation against Jackson led him to participate in an interesting controversy. James Fenimore Cooper, who, at the very height of his fame as a novelist, had just returned from seven years in Europe, was a staunch Jackson man, and had been driven almost wild with rage at the action of the National Republican Senate in condemning the President for dismissing Secretary Duane. In one of his frequent moments of unrestrained temper, Cooper published his *Letter to My Countrymen*, a thin octavo of about one hundred pages, the first half of which was devoted to a scathing attack on his critics and the second half to a discussion of the controversy over the removal of the deposits, in which he denounced the Senate for usurping powers which did not belong to that body. As his biographer frankly admits, this pamphlet pleased nobody and irritated everybody; and it certainly brought down upon him the wrath of the anti-Jackson men. To this outburst Cushing replied in an anonymous circular, published in September, 1834, under the title *A Reply to the Letter of J. Fenimore Cooper, by One of His Countrymen*. In seventy-six pages, Cushing makes a survey of ancient and modern history, proceeding from Athens and Rome down through the Italian republics and the more recent states, to show the proper relationship between the executive and legislative functions of government. Cushing’s book, although written, as he confessed, “at a heat,” is of a scholarly type, enlivened by quotations from Butler, Byron, and Shakspeare,

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as well as the Greek and Latin classics. As argument, it is incontrovertible. Cushing speaks of Cooper always with respect; but he does not mince words in referring to Jackson:

“I charge upon the Administration, you remember, a plan of usurpation, consisting in the abuse of the public revenue to cement together a corrupt combination of office-holders, made wholly dependent upon the President.”

The *Reply* had a very favorable reception from the press of the country, and its real authorship was not long unknown.

The normal development of political parties was interrupted and disturbed at just this period by the appearance of that strange maverick, the Antimasonic Party, with which Caleb Cushing, like Everett and Webster, was destined to have his troubles.¹ Cushing, as a young man, had taken the first three degrees in Masonry in St. John's Lodge, in Newburyport; and, when the agitation against secret orders began to develop unexpected strength, he was thoroughly alarmed. Even the conservative John Quincy Adams was so far swept along by the frenzy as to allow his name to be used in the autumn of 1833 as

¹ Antimasonry first developed as a political force in New York State, following the abduction and alleged murder by Masons of William Morgan, of Batavia, who, it was said, was about to publish an exposure of Masonic secrets. It had its own candidate for Governor in 1828, and in 1830 polled 130,000 votes. The movement spread to other states, and in 1831 a National Antimasonic Convention nominated William Wirt, of Maryland, for President. He received, however, only the electoral votes of Vermont. The Antimasons were, in most sections, opposed to Jackson, but they also did not care for Clay, — who was a Mason, — and their influence was generally against his candidacy for President. Before the movement ended, more than three thousand Masonic lodges had given up their charters. Most of the Antimasons eventually joined the Whigs, and the party was negligible by 1840.

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a candidate for Governor on the Antimasonic ticket. Cushing himself did not, of course, enter the Antimasonic ranks, and used his influence successfully with Edward Everett to prevent the latter from doing so; but he was so fearful of mob mania that he persuaded a majority of his own lodge to vote for dissolution and advocated a similar procedure throughout the Commonwealth. He was convinced, he said, of "the general utility and lawfulness" of the Masonic ideals, but believed it wise, in view of the antagonism to Masonry, that the institution should be relinquished, for a brief period at least, by its members.

The gubernatorial election of 1833 was thrown into the General Court, no candidate having received a majority of the votes, and Adams, after some misgivings and hesitations, finally declined to allow his name to be used further, thus leaving the field open to John Davis,¹ the National Republican nominee, who was elected. Cushing, who was then in the legislature, was called upon frequently to keep Everett and the other Massachusetts representatives in Washington informed as to the course of events on Beacon Hill. Various hasty measures aimed at Masonry were introduced into the General Court, and Cushing's efforts for the session were largely devoted to modifying the violence of temper shown by the radical Antimasons. In most portions of the East, the Antimasons were acting with the National Republicans, but

¹ John Davis (1787-1854), a graduate of Yale in the class of 1812, became a leader of the bar in Worcester, Massachusetts, held a seat in the national House of Representatives from 1824 to 1834, and became Governor of Massachusetts in 1834. In March, 1835, he succeeded Nathaniel Silsbee as United States Senator. He resigned in 1841 to run for Governor, but was defeated, and later again secured his seat in the Senate where he remained until 1853. He and Cushing were always on excellent terms, and their relations were at times very intimate.

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in Massachusetts, as a result of peculiar local conditions, there was a tendency for the Antimasons to join with the Jackson party. In February, 1834, Cushing wrote Everett that the Antimasons in the Massachusetts legislature were persisting in their policy of voting with the "Democratic Republicans," and he complained that Adams and Everett had done nothing to bring about a reconciliation with the Antimasons. Everett said in reply, March 2, 1834:

"I have exerted at all times, & shall continue to exert all the little influence I have, towards Conciliation, & to check the tendency to a coalition of 'A.M.'s' and Jacksonism. That tendency is now strong. . . . In the recent organization of the government, the faults were on both sides. The past cannot be undone, the future is yet in the power of the prudent & moderate. Nothing, to my apprehension, is more certain than that Jacksonism will triumph at the next election, both of Governor & President, in our state, unless the Nat. Republicans will allow Masonry utterly, openly, & without qualification to go down. Events will show that in making these remarks I have no personal interest of any kind. I write, relying on your discretion, & trusting that you will make none but a confidential use of this letter. Mr. W. has not seen it."

On March 12, Everett, whose real sympathies were with the Antimasons and who had some personal and political reasons for being disturbed at the turn which events were taking, wrote Cushing:

"I have urged on Masons to go as far as they can in the work of concession, & on Antimasons to be content with anything that is reasonable. I perceive from your letter that there are differences of opinion among the Masons as to the extent to which the concessions should go. And you cannot but have noticed that there is a difference of opinion among the Antimasons as to what ought to be considered satisfactory. No pains are spared by the Jackson party to keep the breach open; that is their game, & whoever, either as a Nat. Repub. or a Mason,

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contributes to leave the matter unsettled, serves the Jackson party most effectually. . . .

I understand that Mr. Bliss of Springfield, who is here, is in favor of the immediate dissolution of the Institution, & will use his influence to effect it, if Mr. Webster & others will write a letter, to be made public, recommending that course. I have some doubt of the expediency of causing Mr. W. to appear in the matter; & I do most ardently wish that the Masons could see their way clear to take the step of their own accord. I cannot conceive how it can better save the feelings of the Masons to have the institution put to death, by a statute making the oaths unlawful and their administration penal, than to sacrifice it themselves, by a voluntary act, to the public peace. I assure you that, in expressing my wish that Masonry should go down, it was equally my desire that Antimasonry should go down with it. It will of necessity; but probably not before; & it is accordingly for the members of the Masonic institution to say how long Antimasonry shall subsist. Had the institution been dissolved throughout the United States in 1828, I think Mr. Clay might have been chosen President. If it is done soon in Mass., I think Mr. Davis may be elected Governor. If this measure, or some other equally effectual, is not taken before the arrangements are made for that election, I think Massachusetts will give her vote to Judge Morton for Governor, and Mr. Van Buren for President."

Cushing, who agreed with Everett that Webster ought not to let his name be connected in any way with the Antimasonic controversy, was equally sure that some form of compromise must be brought about at once, and therefore did everything in his power to persuade the Masons to yield on a sufficient number of points to satisfy their critics. George Bliss, of Springfield, wrote Cushing in March, 1834, asking him to join in requesting the officers of the Grand Lodge to call a general meeting, at which they should have an outside "respectable gentleman" urge the lodges to surrender their charters, "for the peace and harmony of the state." Bliss thought that a

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vote of this kind could be carried by a large majority; and even if the proposal were defeated, he was confident that the minority would abandon Masonry. With Bliss's plan Cushing was quite in sympathy, and, during the summer of 1834, he joined Rufus Choate¹ in riding through eastern Massachusetts, in the hope of persuading the various lodges to make concessions. Some lodges surrendered their charters of their own free will; and before the Masons as a state organization took any definite stand, the need for such action was over. The madness subsided almost as rapidly as it had risen, and the Whig Party absorbed most of the Antimasons into its ranks.

Cushing's relations with the Masonic order were still so intimate that he was intensely irritated over Adams's coquetting with the Antimasonic faction. For some reason which cannot be fully explained, Adams had allowed himself to be quoted as favorable to many of the Antimasonic aims. An entry in his *Diary* for February 28 will indicate his bias:

"Mr. Edward Everett brought me a letter from Caleb Cushing, a Royal Arch Mason, and member of the Massachusetts Legislature, to Mr. Webster. This gentleman had written to enquire what was the reason of their delay to act upon the resolutions respecting the distress and removal of deposits and recharter of the Bank of the United States.

Cushing answers, bitterly complaining that they are paralyzed by the Antimasons, who upon all occasions vote with the Jackson

¹ Choate had just completed a term in the national House of Representatives to which he had been elected in 1832, and he had seen in Washington the pressing need of some form of agreement among the various groups opposed to Jackson. Cushing and he corresponded on many subjects, but his handwriting was notoriously illegible, and some of his letters are almost impossible to decipher. His only equal in this respect among American statesmen is Horace Greeley.

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party, and enquired if I could not do something to heal this breach. I said I had done everything in my power, and if anything had been done to conciliate the Antimasons, they would have met every advance in the same spirit. But Mr. Cushing must look to himself and his party for the failure of all my efforts to conciliate. I had given fair notice and warning both to Governor Davis and Mr. Webster, from both of whom I had received encouraging assurances of conciliation to the Antimasons, instead of which every possible thing had been done to fret and exasperate them; all their candidates for the Senate had been swept off the board; not one Antimason had been elected to the Council; a fraudulent law against unlawful oaths was now in concoction to baffle and deceive them; and just now the Senate had refused to grant to the joint investigating committee the power to send for persons and papers; and now their aid was implored to pass National Republican Resolutions in favor of the bank. It was impossible for me to do anything more with them, and I believe they would go over to Jacksonism. I had done all I could to prevent it, but in vain."

Everett at once wrote Cushing an account of his interview with Adams, giving in full the latter's charges against the National Republicans in Massachusetts. Cushing was so angry that he began to arrange a plan for deposing Adams from his place as head of the Massachusetts delegation in the House. At the moment certain resolutions on the subject of the Currency and the Public Distress were pending in the Massachusetts General Court, having passed the Senate and being then under consideration in the Lower House. These resolutions were certain to pass. Cushing, therefore, wrote to Levi Lincoln, who, after serving nine terms as Governor, had just been elected to Congress, asking him to present the Massachusetts resolutions in the national House of Representatives and to make a speech there upon the subject with which they dealt. It would ordinarily have devolved upon Adams to submit the resolutions, as representing

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the Massachusetts delegation. Cushing's scheme was an effort to supplant Adams by Lincoln.

Cushing wrote also to Everett, recapitulating what he had already said to Lincoln; and Everett, with a simplicity which closely resembles craft, took Cushing's letter to Adams. Adam's entry in his *Diary* on the matter is as follows:

"I asked Everett if he had any explanation to give me to make it [the proposal] acceptable to me. He said, none, and that he had even hesitated whether he should show me the letter. I said the reason given by Mr. Cushing did not seem to me to be sufficient. If there were some members who wished they [the resolutions] might be presented by Governor Lincoln, I supposed there were others who would prefer that they should be presented by me, and if the former were a majority, they might pass a resolution that they should be presented by him. Everett said they certainly would not do that. I said I had, at the request of the whole delegation, presented the resolutions of the Legislature at the last session of Congress, and I presumed it would be generally expected that I should present these, rather than an entirely new member; but I was perfectly willing the delegation should determine by whom they should be represented. He said he thought that would be the proper course, and that he himself thought they ought to be presented by me."

When the matter was brought up, the Massachusetts delegation stood by Adams, and Cushing's plan failed completely. The incident explains in part a certain antagonism between the two men which kept each from entirely trusting the other.

The relations between Caleb Cushing and Daniel Webster¹ continued to be close throughout the Jackson and

¹ Webster had been elected to the United States Senate in 1827, by the legislature of Massachusetts, and retained his seat by re-election until 1841, when he resigned to become Secretary of State under Harrison. During this period he took a leading part in every important debate in the Senate.

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Van Buren administrations. There were moments during the Congressional deadlock in Essex North when Cushing felt that Webster was not properly supporting him. When Everett, in November, 1832, wrote Cushing, asking the latter to vote for Webster in the legislature for re-election to the United States Senate, Cushing replied:

"You speak in terms wherein I fully concur, of the value of Mr. W's services to the country, & of the duty of Mass. to retain him in Congress. Personally I have no cause to wish for the advancement of Mr. W., nor any inducements to further it by my vote or voice. Acts and expressions regarding the recent canvass in this district are confidently ascribed to him by my opponents, which, if truly imputed, I must aver do little credit to his elevated stand. He, and other gentlemen equally interested in the success of the N.R. party, will discover, when repentance is too late, that, in thrusting forward an individual so humble in qualifications as Mr. Marston to distract the party and prevent the election of the regular candidate, they destroyed the efficiency of the party in the district. . . . Still public considerations will impel me, as a member of the Legislature, to cast my vote for Mr. W."

Within the next few months, however, the temporary misunderstanding was removed, and Cushing and Webster were carrying on a regular correspondence between Massachusetts and Washington, chiefly in regard to preparations for Webster's proposed campaign for the Presidency in 1836. On February 17, 1834, Webster wrote Cushing:

"I thank you for your friendly letter of the 7th of this month. My friend (& yours) Mr. White had already informed me of your kind & effective suggestions, in respect to myself & the political course which I have pursued this session.

It did not seem to be wise to begin too soon, or too excessively, — but rather to follow, & perhaps hasten, public opinion, than to undertake to give it a strong premature bent. Opinion seems now to be growing very strong, in many parts of the country; but it seems to us there is a degree of inactivity in

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Mass., which we hardly know how to account for. Can nothing be done to make the state altogether right on the great questions now pending? We should all most heartily concur in an effort to enlighten & animate the public mind. It is mortifying that out of our twelve districts, while two are vacant, the member from one other is decidedly against us, & the member from still another not decidedly with us.

Memorials come in upon us in great numbers, from almost all quarters. I shall feel it my duty to move some measure, if nobody else does, in ten days or a fortnight. . . .

Be kind enough to let me hear from you. Can you give me a list of friends, in Essex North, to whom it would be useful for me to send a little speech of mine, — or rather a collection of sundry observations, made at sundry times, on the present absorbing objects? ”

In the midst of countless other projects during the summer of 1834, Caleb Cushing was busy trying to get control of the Boston *Atlas*, which it was proposed to turn into an active Webster organ. On August 9, Cushing wrote Senator Webster:

“Our interview with Mr. Sargent yesterday was altogether satisfactory. He is young, but manly, intelligent, & in every respect, as it seems to me, such as we could desire, except on the score of general experience. He enters heart and soul into all our hopes and wishes. . . . Not knowing whether the mail is to be trusted entirely, I shall not go over the details of the conversation. Nor is it needful at present. I give you the results. . . . Mr. Choate was obliged to leave town before our second interview; but with his concurrence I pledged our friends to two things: 1 — Indemnity; 2 — Any requisite intellectual aid, without limitation of quantity or form. Our friends in Boston can take up the matter sooner; or I will see to its completion at our meeting on the 20th; as you may decide.”

On the following day, Cushing, who was eager to make the *Atlas* the mouth-piece of the rising Whig Party, sent Webster another note:

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"Nothing remains but the adjustment of the details, whether by me or any other gentleman, as convenience and your judgment may dictate. If you think the matter should or can be completed before the 20th, and desire my presence, I will attend your summons at any time. Meanwhile, in casting the parts for the writings to be done, please to consider my pen at your command, for whatever may be deemed within my competency; since other engagements compel me to be in Boston three-quarters of the time during the coming autumn.

One thing needs your consideration. The *Atlas* has, in past times, treated unjustly the two Messrs. Everett, and especially Mr. Edward Everett. I owe all possible gratitude to Mr. Everett; and Mr. Choate concurs with me in respect for his feelings and attachment to his interests. It would afflict me very much if he should fail to approve what we have done. It has seemed to me, however, that we do him a service, in fact, several. I cannot distinguish his interests from those of the general cause; & I think proper and seasonable explanations from you would make the arrangement satisfactory to his feelings."

Cushing's frankness with regard to his friend, Everett, was met with equal candor by Webster, who wrote, August 13, in reply:

"I have rec'd your several letters of the 9th and 10th instant, & rejoice to find circumstances so promising in regard to the *Atlas*. I am, my dear Sir, of opinion that you and Mr. C. [Rufus Choate] must carry through the arrangement. It cannot be in better hands. Our Boston friends, I am quite sure, will fully support you.

What you say of the treatment, heretofore, of Mr. E. E. by the *Atlas*, deserves much consideration. No consideration would lead me to do anything injurious to Mr. E. or which would wound his feelings. We are friends, of long standing, & I not only respect him, as a man, & admire his talents, but have a sincere personal attachment to him.

I hope he will see the propriety of putting the A. under new influences; but if he should hesitate, it would create, in my mind, doubts of the propriety of future proceedings. I could

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not, & would not, unjustly regard his feelings for the sake of any object, political or personal. But looking to Mr. Sargent, as the effective head, hereafter, of the paper, I confess its former course, in regard to Mr. E., did not occur to me, as forming an objection."

The plan thus conceived was carried through by Cushing and Choate, to the contentment of all concerned, including Edward Everett, and the *Atlas* became the fervent advocate in Boston of the Whig policies and of Webster's presidential aspirations.

With all these and other enterprises on his hands Caleb Cushing had still time for his duties in the General Court. In both 1833 and 1834 he served as Chairman of the House Committee on the Judiciary. In 1833 he was Chairman of a House Committee to report on the so-called "Georgia resolutions," which proposed a convention of the people of the United States for amending the Constitution so that the rights of individual states might be established; and he reported for the Committee that Massachusetts saw no reason for calling such a convention. When President Andrew Jackson visited New England and was made a Doctor of Laws by Harvard University, Cushing was present at the ceremonies and noted the pained expressions on the faces of many of the guests.

In late January, 1834, he had what was clearly a serious attack of illness, and was obliged to return to Newburyport. His Boston physician, Dr. John Ware, wrote to Dr. Richard S. Spofford, his family doctor:

"Mr. Cushing's seizure was evidently hemorrhage from the lungs. The circumstances attending it he will be able to detail to you better than I can. I have not been able to determine certainly the seat, but believe it to be on the right side. He was in the first instance bled, has since taken saline laxatives, head-leeches, and a blister. His pulse has varied but little from the natural standard."

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With a remarkable display of recuperative power, Cushing responded quickly to rest and out-door exercise and made his plans for a voyage to the West Indies. Judge Wilde wrote him on February 4:

"I was much gratified by your welcome letter just rec'd, as it contains a favorable account of the state of your health. . . . I rejoice to hear you still intend to go to Cuba, for I am persuaded it is the best plan you can adopt, & will probably restore your health. You will gain two great advantages, — change of climate & escape from the cold blasts of winter & the raw eastern winds of spring; & you'll be relieved from your mental labors, which I think of nearly as much importance as change of climate. I hope, therefore, nothing will tempt you to give up this voyage, however it may break in upon your business engagements, which are of little importance compared with the restoration of your health."

The trip to the south would undoubtedly have benefited Cushing greatly, but he declared himself too busy to take it. With characteristic courage, he was dining with friends in Boston within a week after receiving Wilde's letter; and he was soon again in the whirl of legislative responsibilities. There was no recurrence of the hemorrhage. He lectured in June before the "Lowell Moral Lyceum"; on July 4, he delivered a patriotic lecture at New Rowley, and, in place of a personal appearance, sent an original ode to be read at Portsmouth at a similar celebration on the same day; in August he presented the "Introductory Discourse" before the American Institute of Instruction at their fifth anniversary meeting in Boston, his theme being a defense of popular education. In the same month, he and Rufus Choate spent many hours collecting material for a book on the United States Senate, giving biographies of its members. On September 6, before the young men of Dover, New Hampshire, he

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spoke on *The Career of General Lafayette*; and he prepared a series of lectures on *The Civilization and Social State of Modern Christendom*, delivering them in several New England cities. He wrote several articles for the *North American Review*, including a highly favorable criticism of George Bancroft's *History of the United States*, Volume I, which had just appeared. How his constitution bore up under this constant strain it is impossible to say; but his will drove him on when his body seemed likely to collapse. He was stimulated, moreover, by the hope that, before the year closed, he might achieve his long-cherished dream of being Congressman from Essex North.

Webster had been much disturbed at having a Jacksonian like Gayton P. Osgood in the Massachusetts delegation at Washington. It was Webster, indeed, who persuaded Cushing that he had a public duty in running once more for Congress; and it was because of Webster's entreaties that Cushing allowed himself, in October, to be nominated again for the House of Representatives. Young though he was, Cushing was accustomed to stirring campaigns, and his fight in the autumn of 1834 was not to be an easy one. Fortunately he had the full support of the Haverhill *Iris* and of John Greenleaf Whittier, who had hoped to have Cushing as an ally in the contest against slavery.

The fact that the slavery issue, with all its complications and ramifications, was destined from this time on to be a decisive factor in determining Cushing's political career makes it necessary to dwell at some length on his position with regard to it. Until 1834, as we have seen, Cushing had troubled himself very little about slavery, being, in this respect, like Whittier himself, who did not espouse abolitionism definitely until the spring of 1833.

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While Cushing was abroad, William Lloyd Garrison had made his dramatic attack on Francis Todd, of Newburyport, for carrying on a traffic in negroes. In September, 1830, just after Cushing's return, Garrison came to Newburyport to speak, but was refused permission to hold his meeting in the Harris Street Presbyterian Church. He did, however, secure the Second Congregational Church, and there delivered an attack on slavery. The Trustees, however, closed the doors on the following evening and prevented him from carrying out his plans for repeating the talk. Cushing must have been in Newburyport at this time; indeed it was on September 25 that he spoke before the Newbury Lyceum; but there is nothing to show that he heard Garrison, and we may be quite sure that he would have found little to approve in the new and radical doctrine which the young abolitionist was expounding. Three months later Garrison and Knapp began the publication of *The Liberator*, and the long struggle was opened which was not terminated until the Confederate guns ceased firing at Appomattox.

Like Webster, Caleb Cushing viewed with undisguised abhorrence the nullification principles advanced at that time by John C. Calhoun and his South Carolina associates. On July 4, 1832, Cushing delivered the address at Newburyport on the fifty-sixth anniversary of American Independence, and, with the same spirit shown by Andrew Jackson in another gathering on the same day, fearlessly denounced all nullifiers:

"On this occasion, on this anniversary, consecrated to the memory of the Revolution, to the perpetuation of its principles by continually recalling them to mind, and to stimulating the sentiment of patriotism by rallying in festive acclamation around the national banner, it is peculiarly fit that every voice should be raised in solemn rebuke and remonstrance against the sacri-

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legious hand that would violate the ark of public safety, that would rend asunder the bonds of Union. It is a subject untainted among us by the breath of party, whether of local or of national origin; for whatever difference of opinion may subsist among us in other respects, whether we be for Jackson or whether we be for Clay, — in attachment for the Union, in anxiety for its preservation, we go heart and hand together. On other topics of a political nature I might scruple as to the propriety of addressing my views to an audience, assembled without distinction of party on our great national jubilee; but, upon this topic, I may presume to pronounce my opinion with the independent fearlessness proper to a strong conviction of truth, premising only, that, if there be one in this assembly who desires the separation of these United States, I do not address him, I ask not his attention, I cannot expect his approbation. It is for Union that I plead; it is to friends of Union that I speak.”

This is one of the earliest expressions of that love for the Union which, with Caleb Cushing as with Daniel Webster, was to be dominant motive of a long career, and which was the determining factor in his attitude towards both abolitionists and slave-holders. When either one of these groups threatened the solidarity of the nation, Cushing stood firm in defense of the Constitution.

Although he was not in any sense an abolitionist, Cushing would have been glad to have slavery eliminated from our soil. He accepted, therefore, an invitation to join the American Colonization Society,¹ the object of which was to form a colony outside the limits of the

¹ The American Colonization Society adopted a constitution in 1811, but did not elect officers until January 1, 1817. Judge Bushrod Washington was its first President, and Henry Clay and John Randolph were among the charter members. The Society sent out in 1820 a body of negro emigrants who settled on the coast of Africa, and became the nucleus of the free state of Liberia.

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United States for the benefit of free negroes. Garrison himself had spoken before one of the Colonization meetings in Boston, on July 4, 1829; the society had the active support of philanthropists, clergymen, and theological professors; it was aided by church collections and approved by liberal statesmen. But the organization soon proved too conservative for the more radical Garrison, who, in 1830, took a stand openly hostile to it, declaring that its real aim was to make slavery and slave-owners more secure. Whittier, in 1833, followed Garrison, and, in a pamphlet entitled *Justice and Expediency*, advanced six reasons why the American Colonization Society was undeserving of assistance, at the same time arguing that the only effective remedy for slavery was abolition. The Colonizationists, in their turn, assailed abolitionist propaganda, and took every opportunity of condemning Garrison, Sewall, and others of the *Liberator* group.

Caleb Cushing, meanwhile, still remained within the fold of the Colonizationists. Without being in any sense aggressively enthusiastic for their policies, he preferred them to what he regarded as the insidious doctrines of the Garrisonians. Indeed in 1833 he delivered an address before the Boston branch of the Colonization Society, in which, while he called slavery "this plague-spot" of our land, he declared himself publicly as opposed to the principles advanced in the columns of *The Liberator*.¹ Colonel Joseph H. Lumpkin, of Georgia,

¹ In this address Cushing asserted that slavery weakened the spirit of enterprise and banished industry by rendering labor disreputable; that it corrupted morals by promoting idleness and "affording facilities for vicious indulgence"; and that it would be a glorious day "when man shall cease to be the bond slave of man." But he added that only the South itself could eliminate the "pernicious influence of slavery" from its midst.

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who happened to be in New England at this time, wrote, on his return to the South, a letter to the *Augusta Chronicle*, describing Cushing's speech and pointing out that, as he saw the situation, ninety-nine out of every one hundred Northerners really detested Garrison and his theories. Lumpkin said in part:

"The most pointed and bitter rebuke against these agitators [the abolitionists] which I ever read or listened to, was in Boston, on the Fourth of July, from one of the most talented and respectable men of New England, in an address delivered before the Massachusetts Colonization Society, of which he was the anniversary orator; and to an auditory, among which I observed the Lieutenant Governor and most of the influential and distinguished men of the place."

When Whittier received a copy of Cushing's address on this occasion, he wrote him in part as follows:

"About a fortnight ago I took up a pamphlet containing yr. remarks at the Colonization Meeting in Boston. In that frankness which accords with my doing to others as I would be dealt by, I cannot but say that I deeply regret this publication. So far as literary merit is concerned, the speech is worthy of you; but I dissent from your opinions most radically, & so do a great majority of the people in this vicinity. I shall probably send you in a week or two a pamphlet on the subject of Slavery, written hastily & under many disadvantages. Most of the facts it contains you are probably acquainted with; there may be some, however, which have escaped your observation. I beg of you to lend your mind to the investigation of this most momentous question; believing as I do that you can do a great deal for the cause of suffering humanity. I should like to have you make this pamphlet & others recently published on the subject, the basis of an article in some of our reviews or magazines. That you will differ from me I know, and shall therefore expect to be handled without gloves; but credit me, my dear sir, I had much rather fall under the *staccato* of a gentlemanly &

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scientific swordsman than be bunglingly hewed to pieces like Agag of old under the broad-axe of the prophet."

There was never a moment, then, during Cushing's early political career when he was in sympathy with the extreme abolitionist point of view. He was far from being an apologist for negro slavery; he believed it to be an evil, and he was quite ready to assist in any way which he regarded as legitimate to eradicate human servitude from our social and economic organization. But he recognized it also as an institution favored by a considerable section of our citizens, and not, therefore, to be touched directly by the legislation of persons from other districts. In his opinion, the South had a constitutional right to maintain its domestic institutions, and any interference by Northern agitators was both unwarranted and pernicious.

When Caleb Cushing was nominated for Congress in 1834, Whittier, although he was well aware of the former's lack of sympathy with the abolitionists, nevertheless made up his mind to support him, hoping, possibly, that he might be able gradually to convert Cushing to his own views. With that practicality of temperament which characterized Whittier even in his poetic moods, he did his best to extract from the candidate certain pledges favorable to the anti-slavery cause. On October 10, Whittier, who had just called on Cushing in Newburyport, sat down and wrote him a brief note:

"I am disappointed in not seeing thee at this place and this time, as I called to appraise thee of the fact that at our meeting of the Essex County Anti-Slavery Society yesterday at Danvers, it was unanimously agreed upon to write letters to the candidates for Congress and state legislature on the subject of slavery and of their views of action in Congress and in the legislature upon it. Until after the passage of this resolution, I did not reflect

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that it would embrace thyself and Osgood, as we were thinking of Saltonstall and Rantoul. As it is, however, I hope thee will favor the Society with an explicit answer, as the one hundred and twenty delegates present pledged themselves to vote for no man of any party who was not in favor of abolition in the District of Columbia. I heard, too, from a gentleman in the meeting, that two or three hundred of the legal voters of Lowell had pledged themselves to this effect."

Cushing, not to be lured by any such veiled threats into a statement which was sure to involve him in controversy, wisely declined to commit himself at that moment. Whittier himself realized that it would be injudicious to press the matter further; but on November 3, only a few days before the election, he again wrote Cushing:

"Several individuals personally & politically thy friends have suggested to me the idea of addressing thee in regard to thy sentiments in relation to the existence of Slavery in the Dist. of Columbia. From this I have uniformly dissuaded them by assuring them that, although friendly to Colonization, and consequently opposed to the Immediate Emancipationists, in many of their views, I could have no manner of doubt of thy willingness to do all in thy power to remove Slavery from the District, where it exists without warrant from the Constitution and in its most aggravated form. By this assurance I have, I believe, fully satisfied the individuals above alluded to. Perhaps in making it I have unintentionally misrepresented thy views and feelings; if so, I can only say that my motives, which will readily suggest themselves, were of the most friendly nature. In the present posture of affairs in this district any formal interrogation of candidates in reference to matters of this kind is certainly to be deprecated. But nothing is more certain than that the time is close at hand when it cannot be avoided. The spirit working deep in the heart of New England will not slumber. Party machinery will not much longer suppress it.

If I have rightly represented thy views, it would be a great satisfaction to myself to be able to put a line from thee to that

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effect in the hands of two or three gentlemen previous to the coming election. If, on the other hand, I have mistaken them, thee will oblige me by making no reply whatever, in reference to the particular subject of this letter."

Whatever Cushing may have believed, he had no intention of becoming Whittier's agent in Congress, and he saw no reason for gratifying the latter's desires. He was himself shrewd enough to know that he would probably succeed in 1834 without Whittier's assistance, for in that year the anti-Jackson men were destined to come into their own. That strange and heterogeneous combination of political elements which was to form the Whig Party had been amalgamating since the early spring. In April, the term Whig was being used in Niles's *Register*; by midsummer the party had been fully organized. In it, in Massachusetts, were a nucleus of old Adams and Clay men (National Republicans), like Caleb Cushing and Edward Everett; a majority of the Antimasons, represented by John Quincy Adams; some former Jackson supporters who had been alienated by his antagonism towards the Bank of the United States; and a few State Rights men, who disliked Jackson for his uncompromising position with regard to the South Carolina nullifiers. All these groups, between some of whom there were long-standing antagonisms, were united in one purpose, — that Jackson and Jacksonism must go. Cushing, like Webster and Everett, was one of the pioneers of the Whig Party in New England, and his Congressional campaign of 1834 was fought under the Whig banner.

For this reason, if for no other, success was assured from the moment when his name was first brought forward. He had encouragement from many quarters. Rufus Choate wrote him in June, 1834:

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"I have had a full conversation with *important persons* about your District in Congress, — the 'dark blue sea' & the like, — & he, — the most important, — this very morning said, — 'Tell him to *stay* by all means, & all that external influence can do shall be done; he will come in as a matter of course.' I agree to that."

Choate's mysterious reference was evidently to Webster, who, in 1834, was emphatic in his statements to his friends that Cushing must be moved on to Washington. The scholarly and retiring Osgood, moreover, had made no marked impression during his term of office, and people began to long for a more positive personality. When the votes were counted after the balloting on November 10, it was found that Cushing had received 4536 to Osgood's 2676. On the next morning, Mrs. Jeremiah Nelson wrote her husband, describing the celebration in Newburyport:

"Our town was in an uproar all night, and Mr. Cushing, after having been apprised of his election, was invited to go down to the Phenix Hall, where the Whigs were assembled to receive him. He addressed them in a very eloquent manner, and then was hauled home in one of Shaw's carriages by a long procession of men and boys, who lodged him safely in his home with great shouting. Mr. Cushing, I understand, was quite unwilling to be conveyed home in this manner, but the excitement was so great that he was in a manner compelled to do so. In fact, we were all, as a town, compelled to hear the air rent with shouting from street to street, most of the night, from the Whigs, who rode about in their carriages, making the greatest uproar you ever heard. We were all so rejoiced to give Mr. Cushing so large a vote that we considered it small privation to go without sleep for one night, and the day after to hear the salute of one hundred cannon, accompanied with the ringing of bells."

The Whigs, indeed, were inclined to make their first victory in Essex North known to all the world. Cush-

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ing, lecturing in Salem on the following evening, was greeted, when he had finished, by a huge throng of his supporters, who cheered him lustily for twenty minutes. At Topsfield, the Whigs held a tumultuous celebration, at which he delivered the chief address. At Newburyport, they gave him a dinner, after which his friend, John Chickering, overwhelmed him with eulogy. Letters arrived from Webster and Everett, from Levi Lincoln and John Quincy Adams, congratulating him on the result. Judge Wilde merely sent him a brief note:

“I congratulate you on your election, which, after the treatment you have experienced heretofore, is particularly satisfactory, as it will put down forever the malicious & contemptible slanders by which your success has been so long delayed, & altho’ it may not wholly silence the whispers of envy, it will render them of no importance. I congratulate you also on the general result of the election, which seems to exceed the best of our expectations.”

On January 2, 1835, Whittier, in a confidential letter to Cushing’s friend and advisor, Henry Johnson, indulged in some reflections on the struggle just closed:

“The highly favorable result of the last election in the choice of your friend Cushing by so overwhelmingly a majority, — so auspicious to the District & so very gratifying to those who have so long supported him, — is, I think, in no small degree owing to the course taken by the editor of the *Gazette*, not only in his paper & publicly, but in his zealous & indefatigable personal exertions. At that time he was, & probably to some extent now is, under pecuniary obligations to individuals directly opposed to his course. He has lost, of course, their patronage. The friends of Mr. Cushing in Amesbury, Rowley, W. Newbury, & some other places who abandoned, almost to a man, his paper during the contest in the District have not yet (if we make a few exceptions) returned to his support. His friends

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in Haverhill have done what they could, — but he still needs some further assistance. Now, — is it not highly important to the friends of the Whig cause, — to Mr. Cushing and his friends, — that this paper should be sustained? Lowell, whatever may have been its course during the last election, is looking with jealousy upon Newburyport, and this needs some counter-acting influence. We trust & hope that Mr. Cushing's career of honor to himself & usefulness to his country has but just commenced, — that (unforeseen & most untoward circumstances aside) the highest offices in the state, if not in the nation, are open to him hereafter. Thayer is, after all, no feeble partisan & certainly no despicable adversary. His press, everything considered, always has & probably always will, exercise a greater influence than any other in the District. We can secure him now forever. Is it not best to do so?

The sum of \$220 would enable him to go on without any difficulty. His paper now is doing well, — but it is the loss of the late struggle in this District which he wishes to make up.

Could this sum be procured as a nominal loan without interest or as a gift? And, above all, could it be forwarded in such a way as to convey the impression to his mind that it originated in the kindness of our friend Cushing?

If so, I know enough of Mr. Thayer's character to be assured that his gratitude, added to the admiration of Mr. Cushing's talents, which, even in his bitterest opposition, he always privately avowed, would effectually secure his services in any future contingency.

It is proper to say that this letter is altogether without the knowledge of Mr. Thayer. If the suggestion it makes shall be deemed worth acting upon, the business can be transacted through Col. Burke or myself."

There is nothing in Cushing's papers to show whether or not he adopted the suggestion in Whittier's letter to Johnson. He may possibly have felt that Whittier's approbation of such political methods would justify him in employing them. But Caleb Cushing had no need of resorting either to intrigue or to bribery. As the year 1835 opened, he knew that Opportunity, — that Power

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which is "master of human destinies" and which knocks "unbidden, once at every gate," — was really at last at his door. Leader in a new and vigorous opposition party, supported by his constituents, associated in close friendship with the most notable of Whig leaders, he was to go to Washington under the best of auspices. He had a foothold on the ladder of success.

CHAPTER SIX

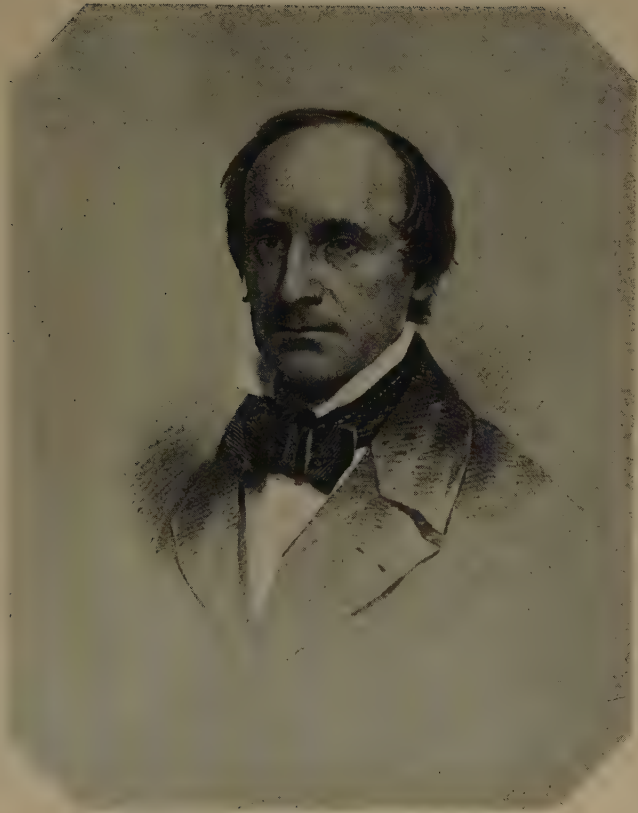
A LEADER OF THE OPPOSITION

“He had the look
And air of one who wisely schemed
And hostage from the future took
In trained thought and lore of book.”

WHITTIER, *Snow-Bound*.

ELECTED to Congress in November, 1834, Caleb Cushing, owing to one of the inconsistencies of our governmental system, did not take his seat until December 7, 1835. The year or more that intervened, however, was not without incident. As Congressman-elect, Cushing was a personage to be consulted in the Whig councils, and his influence was felt throughout the state. Indeed it may be said that he was an important factor in making Edward Everett Governor of the Commonwealth.

Early in the summer of 1834, as we have seen, Everett had been asked to accept the Antimasonic nomination for Governor, but had declined, at the same time urging the reelection of John Davis. In 1835, however, it became obvious that Governor Davis would be chosen to fill Nathaniel Silsbee's seat in the United States Senate; and it was essential to seek at once for a candidate who, with a Presidential contest not far off, could unite the Whigs and the Antimasons in Massachusetts. Caleb Cushing, who was entrusted with the duty of approaching Everett, found the latter quite ready to meet the wishes of the Whigs, and a plan of strategy was cordially approved by both partners in the transaction. A minor, but not uninteresting, episode connected with this program ought to be preserved among bits of historical gossip.



Caleb Cushing as Member of the House of
Representatives in 1836

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Late in 1834, Everett, who was an inveterate platform orator, was invited by the Athenian Society of Amherst College to deliver an address at that institution during the following June. At the moment, he politely declined; but when, in January, 1835, the Governorship loomed within his reach, he began to regret his action, especially since he could then realize that he had deliberately rejected an excellent opportunity for appealing to an audience in the western part of the state. Unluckily for him, the collegians had already turned to Cushing, who had formally accepted. Everett then found himself in a dilemma, from which he attempted to extricate himself by the following letter to Cushing, dated January 12, 1835:

"I wrote you a hasty line the other day, & now write you one, which I fear you will think not only hasty, but rash. A short time since, I received an invitation from the Athenian Society at Amherst, to deliver their next annual address. I had partly engaged to devote my leisure, the next summer, to preparing an edition of my little publications. Deeming that this employment would take all my time, I made it the ground of declining the Amherst invitation, not specifying the precise cause, but pleading 'contingent engagements.' Circumstances of a pecuniary character occurred to lead me to waive my purpose of preparing the book next season, & being thus released from that occupation, I wrote to the Young Men at Amherst, telling them I was at their service. Their reply you will anticipate; I enclose it. Now the case is this. You know what has been put into your head by W., yourself, and others. If any such thing is thought of, the western part of the State would be that most likely to demur; & the interests prevailing at Amherst would be among those which it would be desirable in every honorable & proper way to conciliate. My appearance on the occasion in question might tend to that effect. I suppose you have no particular wish to appear at Amherst this year rather than any other; and regarding the whole affair as a concern not individual to myself, but which our friends at large

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would take up (if at all) as a public matter, I have thought I would state the case to you. If you are perfectly indifferent as to an appearance this year, & if you can *in a way to leave me wholly out of sight*, convey to Amherst the suggestion, that you happen to have heard that Mr. E. had been invited, — declined, — & subsequently signified his willingness to accept, & that, if it would furnish any gratification to the Society to command his services, you are not unwilling to retire, till next year, — I suppose the thing would work around easily.

I could not give you, in any way, so strong a proof of my confidence, as by making this suggestion; nor could you give me a stronger one than by telling me frankly (if such is the case) that you had rather hold on. As a man is not the best judge in his own case, if you see any inconvenience or impropriety in the movement, I will also take it kindly of you to say so. Above all things, if you move in the matter, you must keep me out of sight, — and if you apprehend any difficulty in this, *you must do nothing*.

Perhaps I have been led to think the affair more important than it is by Mr. W.'s having expressed twice a wish on the subject.

My friend, if you do anything, do it so as not to have it supposed I have a wish in the subject. This would be an injurious impression to propagate, & a personal wish (you may well suppose) to deliver another oration, I have not."

To the naïve request in this letter, Caleb Cushing courteously acceded, — indeed Everett's subtle reference to Webster's wishes left him little choice, — and sent to Amherst a cleverly worded communication along the lines so carefully mapped out by Everett. In return, Cushing was rewarded by a letter on January 22, in which the austere Everett said:

"Your kind and prompt attention to the matter contained in my last letter entitles you to my cordial thanks."

In due season the address thus secretly arranged for was presented by Everett, who repaid Cushing by sending

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him thirty copies of it in pamphlet form. In his turn Cushing delivered his postponed lecture at the Amherst Commencement in 1836, his speech, like Everett's, being later printed and distributed. Cushing's talk was devoted in the main to a consideration of the influence of oratory on human history and conduct. He told the students that he had come to them from the dust and sweat of the political arena, and that he was glad to be back, if only for a few hours, in the quiet and tranquillity of academic cloisters. It is needless to add that he said nothing, then or later, of the manner in which Everett became his substitute in 1835.

Indeed any open reference to this subject would, in 1836, have been indiscreet, for His Excellency, Governor Everett, was then safely ensconced on Beacon Hill. The story of his transfer from Washington to Boston has its diverting features for those who do not object to the uncovering of human weaknesses in the great and the near-great. Everett, in February, 1835, was waiting with some nervousness for the General Court to elect Governor John Davis to the United States Senate. It was well known that Senator Nathaniel Silsbee had declined to be a candidate for re-election and that "honest John Davis" was his logical successor; but until the vote had actually been taken, Everett could, of course, make no definite move for the Governorship. Nevertheless he corresponded freely with Cushing regarding the political outlook. On February 2 he wrote from Washington:

"I have yours of the 29th. I mark my reply 'private' mechanically. You, of course, so consider it, as well as all these letters.

I cannot pretend to differ from you in opinion as to matters which you witness on the spot, & I only from a distance. Neither can I claim to be impartial, in this matter. But may not the

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great anxiety expressed about 'unsettling the state' by Western & other members of the General Court rather spring from the interference of Gov. D.'s election to the Senate with their own views? I find the greatest alarm felt here by those most likely to be under such an influence.

The question of the concurrence of the Senate is, no doubt, settled before now; so that I say nothing about it. If they do not concur, as you observe, there is an end of the matter.

Mr. Adams will make no trouble. From my conversations with him on a former occasion, & intimate knowledge of his feelings, in reference to being a member of Congress, I am well persuaded nothing could induce him to be a candidate for Governor. Mr. Phillips, however, will confer with him. I have no doubt he will cordially cooperate.

I am aware of the obstacles to be encountered, but I may undervalue them. Others may exist of which I am not apprized; but the best observation I can make of the ground & the assurance of support I have, from many quarters, leads me to think, that the election can be easily carried. Mr. Phillips says, that the field cannot be taken too soon.

I feel much indebted to you, for the kind interest you take in the matter, & whatever may be the result, I shall not forget it."

The question of the proper psychological moment for announcing his candidacy was one which Everett discussed at length with Cushing, who, being on the ground, was sensitive to the currents of popular feeling around Boston. On February 13, Everett wrote:

"It would, of course, be inexpedient to move in the newspapers till the Senatorial election is decided. That question is exciting greater feeling than I anticipated, & will (whatever be the result) leave disagreeable effects."

Early in March, however, when Davis had at last been formally elected by the General Court, Cushing opened the Everett campaign by publishing a biographical sketch of that gentleman in three consecutive numbers of the

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Newburyport *Herald*. With reference to publicity of this sort Everett had already expressed himself with a coyness which certainly did not deceive the astute Cushing:

"I write to you, as you see, with entire freedom. To prevent accidents, you had better toss my letters into the fire. I regard the interest you manifest in this affair, as a proof of your friendship, for which I am grateful. I cannot be insensible to the honor of being thought worthy of the plan in question, by any intelligent person; but I cannot conceal from you, that I think I should be happier to remain by my own fireside, especially if I am to wade to the place through the formality of a contested election. I have formed to myself visions of usefulness & influence, aside from political party & official station, which I think I could realize; & which would place me in a more enviable position, than any success in the world of politics. But it is with me, as with so many wiser and better men, in this respect, *video meliora proboque*, etc. . . .

I think a short discreet paragraph, that would be likely to go the rounds of the press, proceeding from Newburyport, would have a good effect by way of giving a seasonable direction to public sentiment. There was a communication, in the *Salem Gazette* for Jan. 23, recommending Gov. D's election as a Senator, with an allusion to me, as his successor. I know not the author."

In the rôle of the unambitious statesman, Everett is not now convincing, for his desire to occupy the Governor's seat is plain to all who have read his correspondence. Fortunately the campaign proceeded without any difficulties. Everett was nominated by the Whigs, with whom the Antimasons, reasonably well satisfied with him as a candidate, joined against Marcus Morton, the Democratic nominee. In due season the state election was held, and he was triumphantly carried into the gubernatorial chair. For this result no one was more responsi-

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ble than Caleb Cushing, who, throughout the campaign, had worked unreservedly for the interests of his friend.

Cushing's effort to make Everett Governor was closely bound up with his desire to make Daniel Webster President of the United States, — a desire which was not gratified. On January 3, 1835, Cushing, who was impressed with the importance of inducing the Massachusetts Whigs to endorse Webster in advance of any other possible candidates, sent Webster a confidential report of conditions:

"The tempestuous weather detained me at New York three days, and somewhat interfered with my plans of usefulness here in Boston, as I had professional engagements requiring me to be here to-day and Monday. But I shall return to Boston on Tuesday.

Meanwhile, upon my own reflection and upon conversation with such gentleman of our friends as I have seen, I am satisfied that, if the Legislature will cordially make a nomination, there is a great *net balance* of argument in favor of its being done. And that, if postponed, it can be carried, seems to be certain. The point now is to have it done handsomely and *con amore*.

The first point to be touched is the press. The *Atlas* has got the lead by its superior decision and firmness, and I doubt not will keep it. I have conferred with Mr. B. of the *Courier*, and he is also sure. The letter from Washington signed 'Moth' expresses his personal sentiments. He is to publish on Tuesday an editorial written by me; and to follow it up if occasion prompts; so as to pledge the *Courier* to a nomination. I wrote a letter from Washington to Mr. A. of the *Centinel*; but did not meet him yesterday, although I plan to have a conference with him on Tuesday. I have no intimate acquaintance with the conditions of the *Gazette*; and could not advantageously interfere in that quarter. I will also confer with the editors in this district in person and by letter.

Mr. Buckingham, in the course of our interview, threw in the remark that he had not heard from you this session, in a manner of quasi-complaint, although good-naturedly enough.

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There is extreme diversity of mind and opinion in the matter of Senator in the place of Mr. Silsbee. Mr. Adams, Mr. E. Everett, Mr. Bates, Mr. Lincoln, Gov. Davis, each have warm supporters. The opinion is current among well-informed persons, that Gov. Davis would prefer going into the Senate to remaining where he is. I have only one predominant wish in reference to the whole question, and that is to see Mr. Everett either stably fixed in the Senate for six years or placed in the Governor's chair."

A week later, after some very active canvassing in Boston, Cushing sent Webster an encouraging account of conditions on Beacon Hill:

"It gives me great pleasure to find that the disposition to make an early nomination gains ground among the members of the legislature; and I cannot doubt that it will be done cordially and spiritedly. This I gather from the representations and opinions of many intelligent members.

I conversed with Mr. Abbott Lawrence on Tuesday, and discover that he did not mean to be understood, as a general expression in his letter to Mr. P. implied, that is, averse to a nomination; he is in favor of its being made.

From all quarters, also, I hear of a strong purpose to elect Gov. Davis to supply Mr. Silsbee's place. And in that event it is admitted that no gentleman has a better chance to succeed Gov. Davis than Mr. E. Everett. At the westward, however, they talk considerably of Mr. Bates. If, as you have sometimes intimated, you should resign your seat, that might lead the public mind to a different result as to the place of Governor.

But as to this last thing, your quitting the Senate, I think, in the present state of public affairs, it would be unequivocally a national calamity; and I hope you will not do it, or express any formed intention to do it, without very full consideration of the for and against appertaining to the question.

I have not yet heard from Mr. Everett as to obtaining some act of the state delegation in Congress. Although I continue to think it desirable, yet I do not believe the want of it, or even a difference of opinion in the delegation, will seriously impair the harmony of proceedings here. Yet still I hope the delegation may be induced to act.

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The press, I think, will do well, but some of the editors either have, or profess to have, doubting correspondents at Washington. "Our doubts are traitors." "

Looking back from our vantage point and with the information at our disposal, we can see clearly that Daniel Webster, noble figure though he was to his contemporaries, had very little chance of being elected President in 1836. Yet these and other letters indicate how hopeful his followers were in the early months of 1835, when the personal strength of Martin Van Buren with the common people had not been fully measured and when Webster's weaknesses as a candidate were being overlooked. Cushing was obviously sincere in his expectation that Webster would be the Whig standard-bearer. On January 16 he wrote the Senator:

"There was a preliminary meeting of members of the Legislature this morning to consider the question of a nomination, at which it was determined to have a general meeting next Wednesday for that purpose. I understand the measure was opposed by only one gentleman; and *him* I was extremely sorry to find of an adverse opinion.

Although by common accord the serious discussion of who shall be Mr. Silsbee's successor is deferred until after the nomination is disposed of, yet it continues of course to be a subject of speculation. And I think there is a growing disinclination to remove Gov. Davis, in the fear that it may unsettle our state politics, especially as the Antimasonic & Jackson parties manifest a willingness to vote for Gov. D., or at least to further his election, for the very purpose of making a clear field in Massachusetts. And concurrently with their views, I think the cause of Mr. H. Shaw is coming to be talked of somewhat familiarly. I regret this so far as it may tend to postpone the return of Mr. E. to office.

I am collecting materials for a magazine-analysis & possibly pamphlet on your speeches during and connected with the war. Mr. Mason has told me that there was a proceeding of yours

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in New Hampshire with reference to this matter; & this prompted me to ask you, at your leisure, to indicate to Mr. Fletcher or to me, where to find any particulars to my purpose.

It has given me pleasure to hear to-day that Mr. Clay has wisely resolved to give way, and to act, as alone he can honorably do, in concert with your friends. I sincerely hope the intelligence is sure."

A few weeks later Cushing is found asking a favor of Webster in the interests of Edward Everett, to whom he was constantly loyal:

"Two or three times this winter, I have had conversation with Mr. Jeremiah Mason with regard to the probable successor of Gov. Davis, in the event of his being transferred to the Senate. I find that Mr. M., although he avows the highest respect & esteem for Mr. Everett, yet has not made up his mind to enter cordially into the plan of supporting Mr. E. He is an auxiliary, whom, as well on his own account as of his weight with others, we ought not to lose to that enterprise. Might not a line from you to him on the subject be useful, as in his hands it would certainly be safe? I beg of you to excuse the liberty I take in making this suggestion; which I have marked *private*, both out of consideration for Mr. M., whose remarks upon such a subject I should never think of communicating to any person except in this way, — and of consideration for Mr. E., who I trust will have no occasion to hear of the doubts of Mr. M.

Everything continues to stand as well as possible in this state, in relation to the presidency."

As Caleb Cushing intimates in this note, the Webster program was making good progress in Massachusetts, especially in the General Court. In February Webster was named by that body as the Whig candidate for President, and there seemed to be reason for believing that he might soon find himself in the White House. On March 5 he wrote to Cushing in a half-humorous mood:

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"I write you a line, amidst the weariness of the finale of a session. Hereafter you will know what that is. I did the needful in compliance with your last; & all that matter is most happily settled. Nothing remains, so far as Gov. of Mass. is concerned, but for Mr. Everett to see the people. He must be made a peripatetic for the whole summer. He must verify the geographical description of some of the old nursery Yankee Doodle, & learn, for himself, that

'Marblehead's a rocky place,
Cape Cod is sandy.'

I have found you out, in the magazines. All that I wonder at, is that your conscience did not sometimes give you a pang such that your friendship could not allay the grief of it."

Unfortunately Webster was not to fare so well in other states as he did in his own New England. The Antimasons of Pennsylvania buzzed about him like flies, and harassed him with questions. The Whig Party, with all its ardent anti-Jackson feeling, seemed to be without organization. However, Everett's victory in Massachusetts by a majority of over 10,000 gave Cushing renewed hope, and he did not relax his efforts to promote Webster's campaign. On December 6, Webster wrote him from New York:

"I rec'd your friendly letter, on my arrival in this city yesterday morning. At that time I had not seen the article in the *Intelligencer*. I have since read it, & am bound to express my grateful thanks to its author. It is much read & talked about here. In dates & facts, it is correct, in an uncommon degree. For the rest, I can only say that it appears to me too much commendatory.

I think of but one thing which might be added, & perhaps that is of no great consequence. It refers to the period of the late war. Something like what follows might be said with truth, — 'In the recess of Congress, in the summer of 1814, when the whole seaboard was threatened by invasion, Mr. W. gave the principal part of his time in cooperating with others

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for preparing for defense, in case of an attack by the enemy in his neighborhood. By the citizens of Portsmouth, & on the nomination of that venerable republican, John Langdon, he was placed at the head of the principal committee raised to concert means of defense, & he offered his personal services to the Governor of the State, to be commanded in any mode in which they might be thought useful.’”

Long before this, however, events had happened which were ominous for the Whigs. The Baltimore Convention of Democrats, dominated completely by Jacksonians, had met on May 25, and, with entire unanimity, had declared for Van Buren and Johnson. Behind these candidates were the prestige, the influence, and the aggressiveness of the existing administration. For Webster to have been alone among the opposing nominees would have been difficult enough; but a Pennsylvania Convention of Antimasons, held at Harrisburg on December 16, insisted on putting forward a third ticket, headed by Harrison and Granger. Naturally neither Cushing nor Everett could view these developments with complacency. The former wrote Everett, expressing his complete disgust at the exasperating conduct of the Antimasons; and Everett, more cautious but no less disturbed, replied, December 23:

“I note your remarks upon Gen’l Harrison’s nomination. Your views coincide with my own. I am very anxious to hear from Mr. Webster on the subject.”

On December 28, Everett outlined his position rather more fully to Cushing:

“I have yours of the 24th. I agree with you on the aspect of affairs. The doings of the Harrisburg & Baltimore conventions appear to me to destroy all hope of carrying our point; but I do not know that they indicate the expediency of any

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change of course. I am, of course, willing to do what is thought best, but I own myself unwilling to take up Harrison. I wrote *Jackson* by mistake, but the principle is really the same. My own idea is, that it is most manly, consistent, & wise to maintain our present position. But instead of sending light to Washington on this subject, we seek for light from that quarter."

Long before this, Edward Everett had come to the conclusion that it was the manifest obligation of the Massachusetts Whigs to stand by Webster, no matter what happened. This explains the following letter, sent by Everett to Cushing on January 4, 1836:

"I received yours of the 30th this morning, after watching for the third night with one of my children, who lies, I fear, at the point of death.

I should not have been able to make the effort to answer your letter at all, but for the information it contains of a rumor that I am preparing to desert Mr. W., grounded on a letter I have written to M. D. J. Pearce.

I have uniformly advised adhering to Mr. W. to the last, altho' Massachusetts, in so doing, should stand alone, — which, however, I have never predicted she would. You have already my letter approving the piece signed 'Massachusetts.' I asked Sargent to copy it into the *Atlas*, & Mr. Hale has copied it into the *Adv.* . . .

I hope among all the other things which Mr. W. has to disgust him, he will not think he has any cause of complaint against me. His continuance as a candidate here is identical with my own, in my humble sphere; & were it not, I had rather sink with him than rise without him; — & this he cannot doubt."

Webster's pursuit of the Presidency in 1836 had, as he himself shrewdly recognized, now become hopeless. In November, the people of Massachusetts voted for electors pledged to Webster's cause; but these were the only votes which he received, and, even in New England, Van Buren's popular vote exceeded that of all his rivals, — Harrison, White, and Webster, — combined. But it was

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unquestionably true that both Everett and Cushing were morally bound to Webster's support. Both had been allied with him in the formation of the Whig Party. His success or failure was theirs. Temperamentally and intellectually, the three were closely related, and ordinarily thought alike on questions of a political nature. They stood together, linked for the moment in popular estimation as typical representatives of New England breeding and culture.

The opinions of Webster, and, to a lesser degree, those of Everett and Cushing, were, at the time when the twenty-fourth Congress was opening, decisive in determining the destiny of the Whig Party. It will be recalled that Caleb Cushing had steadily adhered since 1825 to the course pursued by Webster. An Adams man in 1824 and 1828, he preferred Webster in 1832, but had accepted Clay and had tasted defeat with him. Like Webster, he had been unwilling to defend the Antimasons in their extreme views, and he was as vigorous as Clay in denouncing those among them who, in 1832, evaded the really significant issue, — Jackson's personality, — and, voting for Wirt and Ellmaker, split the opposition into two incompatible elements.

In 1836, however, that opposition was at last coalescing and uniting. The old National Republicans had fought tenaciously for a high tariff, internal improvements, and a United States Bank. But the Jackson menace of 1833, after the removal of the deposits, had simplified and concentrated the issues. When Clay, in 1834, used the term *Whig*, he wisely avoided every possible source of dissension, describing the party as "opposing executive encroachment, and a most alarming extension of executive power and prerogative." The Whigs thus began as a group of malcontents, joined only in their unswerving

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determination that "the reign of King Andrew must end." But a party which could embrace both Webster and Calhoun, Henry Clay and John Tyler, could not be long without its embarrassments. In opposition, the Whigs had brilliant leaders and daring critics; but, when prosperity arrived, they had no common constructive program. The two Presidents whom they elected, Harrison and Taylor, were chosen mainly because of their military records, and both died in office. In the end the Whigs gave way to the young Republicans of 1856, who knew what they wanted and were prepared to make any sacrifice to get it.

Cushing's allegiance to the Webster coterie among the Whigs was particularly noticeable as the slavery problem gradually came to dominate national politics. Nat Turner's insurrection in 1831, together with the emancipation of the negroes in the British West Indies in 1833, had troubled the Southern planters, and their anxiety was not allayed by the circulation of abolition pamphlets through the mails. In the North, as we have seen, the establishment of Garrison's *Liberator* and the formation of the New England Antislavery Society had revived the ominous issues quieted temporarily by the Missouri Compromise.

At the moment when the shadow of this question began to darken the halls of the capitol, Caleb Cushing's attitude towards slavery did not differ materially from that of Webster, Everett, Adams, and other Massachusetts Whigs. They all regarded slavery as a wrong to the colored man, but they could not be persuaded that the non-slave-holding states were justified, either legally or morally, in interfering with it in the South; in other words, they looked upon negro servitude as a state domestic institution over which the Federal Government

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had no constitutional control. Cushing's position may fairly be compared with that of the present-day resident of Vermont, who has never had to face the "Japanese peril," who thinks that the Japanese in California are unjustly treated, but who also believes that California should settle her own problems in her own way, without outside interference. Like Webster and Everett, Cushing was ready to admit that Congress, if it so desired, could abolish slavery in the District of Columbia; but, on the other hand, he agreed fully with the words of Webster's famous Richmond speech of 1840:

"Beneath the light of an October sun, I say there is no power directly or indirectly, in Congress or the General Government, to interfere in the slightest degree with the institutions of the South."

There is, perhaps, little to be gained by analyzing the motives which led men like Webster, Everett, and Cushing to the conclusion which they had reached in 1836. With Webster and Cushing, the strictly legal aspect of the controversy was no small factor in the decision. All three men, moreover, were lovers of the Union, and cared more about preserving it than they did about eradicating slavery. As a group, also, they were conservatives, and they distrusted Garrison much as many Americans to-day distrust violent labor agitators. They recognized the moral question at stake, but they considered it subordinate to other issues. Even John Quincy Adams, it will be remembered, had no tolerance for the radical abolitionists. *The Liberator* looked upon Webster, Everett, and Cushing as belonging to the same political ilk; it opposed Webster for President and Everett for Governor; and it treated Cushing as if he were beneath contempt.

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In the months immediately before Caleb Cushing took his seat in the House of Representatives, he must have watched the slavery controversy with some premonition of what it was to mean to his political career. In September, 1834, George Thompson, the English emancipator, came to the United States for a tour through eastern New England, in the course of which he had a rough reception in several cities near Newburyport. In August, 1835, was held the great protest meeting of New England conservatives in Faneuil Hall, presided over by Mayor Theodore Lyman, Jr., and addressed by Richard Fletcher, Peleg Sprague, and Harrison Gray Otis, in which Garrison was denounced as a dangerous and unprincipled agitator. A few weeks later Boston rang with the shouts of a wild mob, at whose hands Garrison was badly maltreated, — indeed nearly lost his life. Incidents like these had some significance to a thoughtful young man about to enter an assembly where slavery was sure to be discussed. John N. Cushing, who represented the attitude of the old New England Federalists, wrote his son on December 3, after the latter had arrived in Washington:

“I am pleased to hear that you have got on safe & secured a good seat. Knowing your zeal and the Cushing forwardness, it may not be amiss for me to remind you how very important it is to think before you act, so that after having taken your stand you may be able to go forward, for I have always found it more difficult to go back than I have to go forward, and you know you have a mixture of all kinds and sorts to deal with. The Slave question will be a delicate one to meddle with; yet it is possible you may be obliged to act on it, in some way or other, before the end of the session, and while I should strenuously support the Constitution, I should not support the principle of Slavery, especially the practice of separating families & shifting them from one part of the country to another. How-

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ever I hope and think you will act prudently on all occasions; you know what set of hot-heads the Southerners are."

Three weeks later the elder Cushing repeated his caution in a similar admonition to his son:

"As to the Slavery question, I am aware that it is a delicate one to meddle with, yet the question does exist in our country, and whether the Southerners see it so or not, it is for their interest to meet it rationally, not in the furious hot-headed style of South Carolina. They never can carry their point in that way. The free states will no doubt meet them on rational ground, and probably on no other. It is the height of folly for them to think of carrying their points by a course of Brow Beating. You see, Mr. Calhoun has ruined himself by the unreasonable course he has taken. Anyone or anybody that wishes to keep or carry influence must hold out to view plausible intentions."

On all these momentous questions Caleb Cushing, with characteristic prudence and perseverance, had prepared himself with thoroughness. In January, 1835, he called on Governor John Davis, seeking his advice as to what studies to pursue, and was urged to pay especial attention to foreign relations, land laws, and finance, particularly the last two. Davis went over the slavery problem with him, saying that it was bound to be "a great & troublesome question," and pointing out that there was no good reason for "continuing slavery in the District of Columbia." With Davis's suggestion as an incentive, Cushing, in the midst of his other occupations, made a detailed study of American politics, and thus took his seat singularly well-informed on all matters likely to be brought up for discussion.

Cushing had been so much in Washington and had known other Congressmen so well that he knew how to adjust himself to conditions there with the least possible

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friction. On December 5, 1835, shortly after he reached the capital, he wrote his step-mother:

"I am at length comfortably settled in lodgings for the winter, at the house of Mr. Fletcher,¹ a New England man, with a select mess of members of Congress, all from the North, consisting of Mr. Prentiss, from Vermont, of the Senate, & three members of the House from the same state, Messrs. Allen, James, & Hale, — Mr. Fuller, a member of the House from New York, — and two other members from Massachusetts, Messrs. Briggs & Calhoun. My room is a large & pleasant one, fronting the southeast; much larger, indeed, than the members here generally occupy, it being intended for a gentleman & lady; but I preferred a little more for my board, & be well off, having something of my father's distaste for being locked up in a closet. The prices here vary from \$8 to \$14, according to the size of rooms and the style of living. The other gentlemen in the house pay \$9, I \$11. We live plainly, more so than practicable at some of the houses, & make it up in better rooms & attendance; which latter things, you know, I care more about than food. The latter, however, is all respectable in form, & good quality; & I am disposed to be pleased with Mr. & Mrs. Fletcher.

The first thing we do here is to pick out a seat in the House; which is of some importance. Mine is to my taste; & in a good neighborhood. After that, the caretakers of the House supply each member with great abundance of stationery, knives, paper, inkstands, sandboxes, wafers, wax, & all other appliances for writing. And our documents for distribution are brought to us folded & covered.

You must not think it strange if you do not receive letters very often. I have a vast deal of writing to do of a public nature, in addition to all other employments. My position requires me to write a great deal for the press; as you may judge from my having composed in the present week more than eighty pages. And I have a large number of letters to write every day, of one kind or another, to different individuals, on politics or

¹ Mr. Fletcher's house was on E Street, conveniently located, not far from the General Post-Office.

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business. And when the business of the session commences, I shall have to distribute documents to not far short of a thousand persons. I state these things beforehand, that you may see that, if I do not write home regularly, or often, it will be from the press of other engagements."

The twenty-fourth Congress, of which Caleb Cushing now found himself a member, was not far above the average in its proportion of brilliant men. The Massachusetts delegation in the House included Abbott Lawrence,¹ Stephen C. Phillips, Levi Lincoln, George Grennell, George N. Briggs,² William B. Calhoun, John Reed, John Quincy Adams, Samuel Hoar,³ and Nathaniel B. Borden. Among the members from other sections who took a prominent part in debates were Henry A. Wise, of Virginia, Thomas Corwin, of Ohio, C. C. Cambrelling, of New York, G. C. Dromgoole, of Virginia, Henry L. Pinckney and T. W. Pickens, of South Carolina, and Waddy Thompson, of the same state. Franklin Pierce was a member from New Hampshire. In general, the delegation from Massachusetts, headed by the venerable Adams, and backed by Webster and Davis in the Senate, was the strongest from any state.

On the opening day of the session, James Knox Polk, of Tennessee, was elected Speaker, and the Jacksonians were quite obviously in the saddle. A week later, when

¹ Abbott Lawrence (1792-1855), a prosperous Boston merchant and a firm supporter of Daniel Webster, was, in 1835, serving his first term in Congress. He was later Minister to Great Britain (1849-52).

² George Nixon Briggs served for several terms in Congress, and was later Cushing's successful opponent for Governor of Massachusetts. In the campaign for this office he found a place in literature as Lowell's "Guvener B.," in the *Biglow Papers*.

³ Samuel Hoar (1778-1856) had succeeded Edward Everett as Representative from the Middlesex District. He was the father of Senator George Frisbie Hoar, of Massachusetts.

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the standing committees were announced, Cushing found himself named on the important Committee of Foreign Affairs, under John Y. Mason, as Chairman.

It needed only a few hours to prove that the country, both North and South, was deeply aroused on the matter of negro slavery. President Jackson, in his annual message, spoke of "the painful excitement in the South, produced by attempts to circulate through the mails inflammatory appeals addressed to the passions of the slaves, calculated to stimulate them to insurrection, and to produce all the horrors of a servile war." He suggested as a possible remedy a bill prohibiting, under severe penalties, the distribution through the government mails of any "incendiary publication." This, the first reference to abolitionism made in any President's message, was indicative of a new and ominous period in our history. Indeed Caleb Cushing entered the Hall of Representatives at the precise moment when the slavery controversy was beginning upon its really serious phase.

Nor were other evidences of agitation lacking. The House had hardly been organized and the opening routine business transacted before it was for the first time flooded with petitions regarding slavery and the slave trade in the District of Columbia, — attempts on the part of the abolitionists to assail the weakest point in the armor of the slave holders.¹ Cushing's earliest recorded vote in the House was on the question of receiving a petition presented by Representative John Fairchild,

¹ The petitions against slavery submitted to Congress were, of course, justified by the first amendment to the Constitution, which reads as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

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of Maine, from a group of constituents, asking for the abolition of slavery in the District. Fairchild distinctly stated that he did not wish to be understood as favoring the views of the petitioners. On a motion to lay the petition on the table, Cushing voted with John Quincy Adams in the negative. The "Yeas" won, 180 to 31; but Cushing showed himself courageous enough to ally himself at the start of his Congressional career with a small and unpopular minority on the most vital issue of the day.

The episode, however, was merely a clash of pickets, foreshadowing more important skirmishes before the marshalling of regiments. During the next few days, while the whole question of receiving abolitionist petitions was being debated, a great variety of opinions made their appearance, from that of William Slade, of Vermont, who frankly announced that he was opposed to every form of human slavery, to that of Ingersoll, of Pennsylvania, who proposed a resolution stating that "the holding of slaves is a *right* clearly recognized by the Constitution of the United States." On January 6, Cushing joined Adams in presenting "petitions and memorials" from Massachusetts abolitionists. Indeed it was sufficiently apparent that Cushing, who numbered Whittier and other ardent anti-slavery leaders among his constituents, was likely to be counted as one of their special representatives.

In the course of a heated debate which ensued, Cushing's sense of justice led him to a careful investigation of the real issues in the quarrel. Here, his trained legal mind was at home, and he found himself on familiar ground. It was not difficult for him to arrive at a conclusion; and, on January 25, after duly presenting a petition, signed by citizens of Haverhill and praying for

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the abolition of the slave trade in the District of Columbia, he seized the opportunity to deliver his maiden Congressional speech, in which he advanced an argument for the Right of Petition, tracing its history from Anglo-Saxon times down to his own day. In rising to his feet, he stated his position as follows:

“It is the Constitutional right of every American, be he high or be he low, be he fanatic or be he philosopher, to come here with his grievances, and to be heard upon his petition by this House. . . . I maintain that the House is bound by the Constitution to receive the petitions; after which it will take such method of deciding upon them as reason and principle shall dictate.”

He admitted, with disarming frankness, that he had little sympathy with the designs of the more radical abolitionists, but did, nevertheless, believe that, for the sake of the principles of democratic government, all petitions should be at least formally referred to a committee. He closed his remarks with one of those rhetorical perorations so dear to the generation of Webster and Everett:

“Entertaining these opinions of the course to be pursued, I beg of gentlemen to look at the question, as I have done, in a calm review of facts and of principles. They deprecate all agitation unfriendly to the peace and reciprocal good will of the different sections of the country. So do I, most heartily; and in my own humbler sphere I have earnestly exerted myself to this end. And I do, unwillingly but decidedly, avow my conviction, derived of abundant personal observation, that it is not by the summary suppression of petitions, it is not by *Lynching* this or any other petition, that tranquillity is to be restored, and harmony assured, either in the South or North. And whilst I entreat of individual members of the House to regard this question, I warn and adjure the House itself, as a constituent branch of this government, to beware lest, in deciding this general question of the right of petition, it overleap the bounds prescribed to it by the Constitution.

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Men of Virginia, countrymen of Washington, of Patrick Henry, of Jefferson, and of Madison, will ye be true to your constitutional faith? Men of New York, will ye ride over the principles of the democracy ye profess? Men of the West, can ye prove recreant to the spirit of sturdy independence which carried you beyond the mountains? Men of New England, I hold you to the doctrines of liberty which ye inherit from your Puritan forefathers. And if this House is to be scared, by whatever influence, from its duty to receive and hear the petitions of the People, then I shall send my voice beyond the walls of the Capitol for redress. To the People, I say, your liberties are in danger; they, whom you have chosen to be your representatives, are untrue to their trust; come ye to the rescue; for the vindication of your right of petition, to you I appeal; to you, the People who sent us here, whose agents we are, to whom we shall return to render a reckoning to our stewardship, and who are the true and only sovereigns in this Republic."

This speech, delivered without passion or prejudice, was a scholarly survey of the legal points involved in the dispute, and, as such, won for Cushing the respect of his colleagues. The only reply of any importance, — that by Rice Garland, of Louisiana, — was simply an expression of the extreme Southern view. Cushing's clear and vigorous elucidation of the subject was refreshing after days of debate arising out of partisanship and based too often on verbal quibbles.

Cushing was fortunate in having satisfied his abolitionist friends by his first effort in their behalf. He had written his classmate, Samuel E. Sewall, on January 30, 1836, as follows:

"Have you any tracts or pamphlets on the question of legislation on slavery in the District of Columbia? I mean the constitutional power, or can you point me to any discussion on the subject? If you could send me either pamphlets or references immediately you would confer a favor on me, & enable me to argue the question if, as is quite possible, I should have

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to argue it, more to my satisfaction. You know that I do not agree with you on the subject of abolition, but, for all that, I cannot give up the right of petition, or vote a misconstruction of the Constitution, for the sake of satisfying the South."

In reply Sewall said:

"You have vindicated the right of petitioning Congress with ability and eloquence. Your argument seems to me unanswerable. I am sorry we do not agree on the question of abolition. But if you will maintain the Constitutional right of Congress to abolish slavery in the District, the abolitionists will all be very much obliged to you."

Whittier was pleased with the speech, and praised him for it. The venerable James Madison, living at Montpelier, sent him a note congratulating him on his brilliant argument. It was generally agreed that not for a long time had a new member made such a favorable impression on the House. Cushing's experience in addressing public assemblies was now proving to be one of his most valuable assets in Congress.

When Henry L. Pinckney, the South Carolina Representative, brought forward, on February 8, his famous series of resolutions, Cushing had an opportunity to make his attitude towards slavery perfectly clear. Three distinct points were involved. On the first, — that all slavery petitions should be referred to a Select Committee, — he voted with the majority, including Adams, in the affirmative. On the second, — that Congress possesses no power to interfere with slavery in any state, — Cushing voted "Yea," Adams and six others being recorded in the negative. On the third, — that Congress ought not to interfere with slavery in the District of Columbia, — Caleb Cushing and John Quincy Adams, once more in agreement, both voted "Nay." Cushing's position, as indicated by these three significant votes, was substantially

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that of Webster and Everett, and agreed with that of most conservative New Englanders in 1836.

The Select Committee to whom all slavery petitions were to be submitted was named, with Pinckney himself as Chairman, and in May presented a long report, the mere reading of which consumed an hour and a half. The gist of this document can be summed up in three recommendations: (1) that Congress possesses no constitutional authority to interfere with slavery in any state; (2) that Congress *ought not* to interfere with slavery in the District of Columbia; (3) that all memorials relating to "the subject of slavery or the abolition of slavery" should be laid upon the table, without any further action. The report was satisfactory to nobody, not even to extreme Southerners, who assailed the second resolution with much bitterness, complaining that it did not state explicitly that Congress had *no right* to interfere with slavery in the District of Columbia. The debate which followed was exceedingly bitter. On May 25, when the first resolution came to a vote, Adams rose and said that, if the House would but give him five minutes, he would undertake to prove it "false and utterly untrue"; but he was promptly called to order, and the measure was adopted, only nine members being recorded against it, — although several of the more uncompromising Southerners, including the irrepressible Glascock and Wise, refused even to cast a vote on a question which they regarded as so thoroughly settled. On the next day the proposition regarding slavery in the District of Columbia was called up and passed, 132 to 45, Caleb Cushing voting, with perfect consistency, in the negative, as did every other member of the Massachusetts delegation except Adams, who asked to be excused from voting.

The third, and most dangerous resolution, — after-

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wards known as the notorious "gag-rule," — was then read. Adams, when his name was reached, rose for one brief remark:

"I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents."

Before he could conclude, the House was echoing with cries of "Order! Order!" but the old man insisted on completing his sentence. On this resolution also the Massachusetts members were a unit, all voting in the negative; but it was passed by a vote of 117 to 68.

Cushing's conduct during these stormy sessions was very much to his credit. The extreme Southerners had, as we can now see, made an egregious blunder in strategy by forcing the "gag-rule" upon Congress. Had the memorials against slavery been duly received and referred, even to a committee headed by Adams, the petitions would quietly have disappeared or would have been reported upon unfavorably. This was not only the legal but also the expedient way of avoiding an unnecessary clash. But the apologists for slavery, having now assumed a position which could not logically be upheld, were, in consequence, helping materially to weaken their cause. Men like Adams and Cushing, who were unmoved by the pleas of Garrison, were now, as a result of Southern aggressiveness, driven to resent any abridgment of the Right of Petition, and were thus temporarily linked with the more ardent abolitionists. The controversy of 1836, regarded at the time as a victory for the South, was really the beginning of the end of slavery.

It is interesting to follow the reaction of Judge Wilde to the speeches which Caleb Cushing, his son-in-law, was making on the slavery question. Wilde, who was a

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conservative of the timid and cautious kind, watched Cushing's progress with much concern, and was generous with his advice. On January 12, he wrote:

"The question of Slavery also seems more alarming than any other. I do not wonder that slave-holding states are alarmed and are indignant. The conduct of northern fanaticks, — silly women and silly men, — is abominable, but the conduct of the Southerners is so violent and dictatorial that it makes a bad matter worse."

When Judge Wilde received his copy of Cushing's speech on the Right of Petition, he had this to say:

"I have been much pleased with your speech, which I had seen before. It is sound in argument & sufficiently conciliatory in manner, & not too much so. I am sensible that the Southern members are violent & too dictatorial, but great allowance is to be made, assailed as they are by the frantic abolitionists & standing as it were on the crater of a volcano. I think therefore it is the duty of the Northern members to frown upon all attempts at immediate emancipation. . . . If you speak again upon the subject, as I suppose you will, I hope you will confine yourself to these limits, & not suffer yourself in the ardor of debate to fall into the discussion of Slavery emancipation & any branches of these exciting matters. I have seen none of the petitions, but I suppose they pray for immediate emancipation. This would be of little consequence if granted so long as Slavery exists in so many states, & the subject can be introduced for no other purpose but to have an influence on those states; but it is clear that the influence at present would be only evil, & would retard the action of those states in favor of abolition if they were inclined ever to attempt the removal of this great evil. . . . I saw Mr. Choate to-day, & he spoke in flattering terms of your speech; but he agrees with me entirely in the sentiments above expressed."

On February 27, after Cushing's vote on the Pinckney resolutions, Judge Wilde wrote:

"I see by the papers to-day that the Slavery question has been discussed as to the disposition of petitions, notwithstanding Mr.

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Pinckney's resolution. I had hopes that after the adoption of these resolutions there would be no renewal of debate on the presentation of petitions. But between the rashness & violence of the South & the equal violence & rashness of some of the North, there seems to be no chance of conciliation. . . . There is much, very much, to excuse the violence of the South; life and property are threatened, & what would the North say if they were so threatened? How you and Mr. Hoar and our other friends in Congress are to steer your course, surrounded as you are with so many difficulties, so as to avoid offense, & avoid mischief, & ward off danger, I cannot say, but I hope you will have wisdom & discretion for your guide, & if evil is to befall us, you will have hereafter cause to rejoice that you have done all you could to avoid it. . . . Thus far you and Mr. Hoar have been singularly fortunate to have spoken plainly & not to have given offense to any one that I know of; hereabouts all agree that you have taken good ground and maintained it ably."

Caleb Cushing's strongest attack on slavery as an institution was delivered during this session, on June 9, 1836, in connection with the debate over the admission of Michigan and Arkansas as states. The original Senate bills had followed the practice of admitting a free state and a slave state together, — as had been done in 1820 with Missouri and Maine. Having been passed by the upper house, they were made the special order in the lower house, the Michigan bill, which had gone through first, being given priority. After some rather vigorous verbal sparring between Northern and Southern members, Cushing obtained the floor, in order to protest against certain provisions in the proposed Constitution of Arkansas; namely, that the General Assembly of the state should have no power to pass laws for the emancipation of slaves without the consent of the owners, and also that it should have no means of preventing emigrants to that state from bringing their slaves with them. After showing that this

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scheme was calculated "to render slavery perpetual in the new state of Arkansas," Cushing went to say:

"I cannot, by any vote of mine, ratify or sanction a constitution of government which undertakes in this way to foreclose in advance the progress of civilization and of liberty forever."

Adams, with customary watchfulness, had proposed an amendment refusing the consent of Congress to the more objectionable features in the Arkansas Constitution, but met with opposition from Henry A. Wise, of Virginia. Cushing cleverly turned Wise's argument to his own advantage:

"The gentleman from Virginia, who, I cheerfully admit, is always frank and honorable in his course upon this floor, has just declared that, as a Southern man, he had felt it to be his duty to come forward and take a stand in behalf of an institution of the South. That institution is slavery. In like manner, I feel it to be my duty, as a Northern man, to take a counter stand in conservation of one among the dearest of the institutions of the North. This institution is liberty. It is not to assail slavery, but to defend liberty, that I speak."

Cushing's speech on this occasion had been carefully prepared; and its conclusion was widely quoted at the time as one of the best examples of American eloquence. Our taste in oratory to-day tends towards the simple, the direct, and the informal; but in 1836 the influence of the grandiloquent and somewhat theatrical Webster dominated oratory, and rolling periods were the fashion. Of this particular kind of orotundity there are few more perfect specimens than Cushing's peroration:

"On the first introduction of this subject to the notice of the House, the gentleman from Virginia made a declaration, which I particularly noticed at the time, for the purpose of having the tenor of the declaration distinctly understood by the House and by the country. The declaration gave it to be known that, if

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members from the North held themselves not engaged by the terms of the compromise under which Missouri entered the Union, neither would members from the South hold themselves engaged thereby; and that, if we sought to impose restrictions regarding slave property on the one hand, they might be impelled, on the other hand, to introduce Slavery into the heart of the North. I heard the suggestion with the feelings natural to one born and bred in a land of equality and freedom. . . .

To introduce slavery into the heart of the North? Vain idea! Invasions, pestilence, civil war, may conspire to exterminate the eight millions of free spirits who now dwell there. This, in the long lapse of ages incalculable, is possible now to happen. You may raze to the earth the thronged cities, the industrious cities, the peaceful hamlets of the North. You may lay waste its fertile valleys and verdant hillsides. You may plant its very soil with salt, and consign it to everlasting isolation. You may transform its beautiful fields into a desert as bare as the black face of the sands of the Sahara. You may reach the realization of the infernal boast with which Attila, the Hun, marched his barbaric hosts into Italy, demolishing whatever there is of civilization or prosperity in the happy dwellings of the North, and reducing their very substance to powder, so that a squadron of cavalry shall gallop over the site of populous cities, unimpeded as the wild steeds on the savannas of the West. All this you may do; it is within the bounds of physical possibility. But I solemnly assure every gentleman within the sound of my voice, I proclaim to the country and to the world, that, until all this be fully accomplished to the utter extremity of the latter, you cannot, you shall not, introduce slavery into the heart of the North."

As Cushing sat down, the House was a scene of wild disorder. Northern men were cheering; Southern members were hissing and hooting. In the midst of the tumult, Wise rose to reply, but not a syllable of his could be heard. Cushing's speech made a lasting impression on those who listened to it, and its anti-slavery sentiments were long remembered and used against him in his after career. At the moment, however, it probably did not

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alter a single vote. When the roll-call was made, both Cushing and Adams voted against the admission of Arkansas, but they were defeated, 143 to 50, and victory remained with the South.

Thrown thus into the very midst of the seething whirlpool of sectional agitation, Caleb Cushing seems, through this session, to be groping his way towards positive convictions. His instinctive repugnance towards slavery as an institution was counterbalanced by his dislike of the lawless spirit of the radical abolitionists. If he was occasionally puzzled as to just what position to take, he was no different from many high-minded and worthy Northerners of that generation who later became followers of Fremont in 1856, and of Lincoln in 1860.

But the session was not entirely devoted to the slavery issue, and Caleb Cushing had ample opportunity to air his views on other questions. Nor was his argument with Wise his only altercation with a Southern member. The Naval Appropriation Bill, a sincere effort to strengthen our fleet and our navy yards, was brought up in February, at which time Cushing delivered a carefully prepared address, contending that the maintenance of a navy-yard at Charlestown was no injustice to the West, but really a source of security to the inland states, in that it kept the Atlantic seaboard protected. Replying to "Ben" Hardin, of Kentucky, who had assailed the bill as making expenditures for the benefit of the eastern states only, Cushing asserted that Massachusetts had always been eager to promote the "improvement and public prosperity of the West." He closed by saying that he proposed to discuss the matter more fully at a later date.

Hardin, whom this temperate answer had rather discomfited, then rose to his feet. He was an irritating personality, with his whiskey-tinted countenance beaming

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with arrogance, his defiant and raucous voice, and his deformed finger, which he shook tauntingly at his opponent. His wit, according to John Randolph, was like "a butcher-knife whetted on a brick-bat," and he was the chartered libertine of the House. In an outburst of spleen, he ridiculed Cushing for being unable to speak further without preparing a written answer, — this being an unworthy allusion to Cushing's earlier address, which he had worked over in his customary fastidious way. When Hardin sat down, after indulging in some other remarks of a sneering character, the House waited expectantly to see what the young and untried Congressman would do to meet the assault of his experienced antagonist.

Caleb Cushing, however, was no novice in debate. As he stood by his desk and secured the recognition of the Speaker, his handsome face and erect figure won him the sympathy of the House and the galleries. Quite cool and unperturbed, he assured Hardin that no arduous or extensive preparation was required for an adequate reply to him. In a modest manner he explained that he had bestowed much attention on his preliminary speech because he had deemed this to be due from a young member to the dignity of the assembly around him, and also because he conceived the subject to be deserving of such labor. Then, changing his tone, he proceeded in a strain of impassioned invective, in which he likened Hardin to Homer's "snarling Thersites," closing with a passage so thrilling and so pungent that it drew round after round of applause, and the Speaker had to order the galleries to be cleared. Hardin, stunned by this unexpected rebuke, was for once silenced; he never again ventured to try conclusions with a new Congressman, and sank before many months into silent obscurity.

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Cushing received the congratulations of his friends everywhere on his spirited retaliation to insult. Judge Wilde wrote:

“I believe the remark in the *Courier* respecting your affair with Hardin is quite true. As he began personalities, your remarks, tho’ severe, were well merited, & Mr. Gorham says your allusion to Thersites hit the mark, according to the opinion of H. when he was in Congress. I entirely approve of your determination not to submit to overbearing insults, which have too often been submitted to by some of our Northern members; but still I would avoid as carefully as possible all occasions for offense, for quarrels in all shapes are unpleasant.”

Cushing’s desk was covered on the following morning with notes evincing the satisfaction which his fellow-members felt in seeing the bully discomfited.

Indeed Caleb Cushing was rapidly winning a reputation as a well-informed and convincing speaker, to whom the House was prepared to listen; and there were few important topics on which he did not in due season have something to say. To many thoughtful Americans in January, 1836, the conspicuous issue was not slavery, but the possibility of a clash with France over her failure to pay certain sums of money due from her in accordance with the terms of the Treaty of 1831. President Jackson, in his message of December, 1835, had taken a firm stand, actually recommending an embargo on French imports into this country. As Caleb Cushing was taking his seat in the twenty-fourth Congress, he was receiving daily communications from Newburyport merchants, urging him to do his utmost to avert a breach with France. The possibility of war rapidly vanished on February 8, when Jackson announced that he had accepted the mediation of Great Britain; but in the meantime an interesting controversy had developed over the so-called Fortification

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Bill, which, amended so as to place \$3,000,000 at the disposal of the President in case of an emergency, had failed to pass at the close of the twenty-third Congress, much to the dismay of the Administration. In his message to the twenty-fourth Congress, Jackson referred with some warmth to this neglect, and the House spent many hours attempting to place the responsibility for the rejection of the measure, — to very little real profit, however, as the debate wandered into the marsh of partisan recriminations. Caleb Cushing seized a suitable opportunity to declare his belief in the importance of maintaining a strong army and navy, available for a crisis. To this doctrine of "preparedness" Cushing was always faithful, and he consistently opposed, during his entire career, any attempt to reduce the numbers or lower the efficiency of our military or naval forces.

It will be inferred that Cushing was keenly interested in every phase of our foreign affairs. In March he warmly supported a bill carrying into effect the convention recently signed with Spain. He pointed out that Spain, in the midst of national calamities, with a deadly civil war raging within her borders, and weighed down with financial embarrassments, had satisfied the claims of American citizens in a spirit of manly readiness and frankness strikingly contrasted with the behavior of certain other European powers under similar conditions; and he did not hesitate to say that this procedure on the part of "a gallant and high-minded nation" did honor to the liberal policy of her rulers. Cushing's acquaintance with Spain and Spanish affairs was conceded to be more intimate than that of any other Congressman, and his colleagues were quite willing to accept his judgments on any subject concerning that nation and their own.

One question which was later to stir the nation was just

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beginning to show its head, and Congress was commencing to discuss Texas and its difficulties. In 1836, after the Texan victory at San Jacinto and Houston's capture of Santa Anna, the Mexican general, a bill was brought into the House from the Senate providing for the carrying into effect of the treaty of limits between the United States and Mexico. When it was suggested that the matter of boundaries had already been decided by the triumph of the Texan Republic, Cushing insisted that the United States had early made a declaration of neutrality between Texas and Mexico, and that it would be time enough to treat with Texas when she had fully acquired her independence. In view of our neutral attitude, he deemed it unwise to bring up in any way the advisability of recognizing Texas. Cushing's argument was a strictly legal one, as contrasted with the strongly partisan opinions of the advocates of slavery on the one hand and of abolition on the other. On the last day of the session, however, Cushing voted in favor of a resolution "that the independence of Texas ought to be acknowledged by the United States, whenever satisfactory information has been received that it has in successful operation a civil government, capable of fulfilling the duties and performing the operations of an independent power," — a measure which was carried by a vote of 128 to 20. Cushing and William B. Calhoun were the only Massachusetts members to vote "Yea"; the others, under the leadership of Adams, stood with the minority. The incident is worth mentioning as an illustration of Cushing's independence of thought, — a characteristic which, when it led him to differ with his party associates, was later to subject him to the unreasonable charge of inconsistency.

Cushing's longest speech of the session was delivered on May 23, in favor of the proposal to distribute the

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proceeds of the sales of public lands among the states. With this as a starting-point, he developed with some care the cardinal elements of his political faith. After a detailed analysis of the financial condition of the country, in which each statement was supported by statistics, he showed that the national debt had been paid in full on January 1, 1835, and that, during the following year, government deposits in state banks had increased to more than \$10,000,000. He then discussed the possible need for expenditures during the current fiscal period. By natural steps, he was led to a long digression on the desirability of proper appropriations for military and naval "preparedness"; but, even after this had been provided for, there would still be, he asserted, several millions of dollars available for distribution.

The project for the distribution of a Treasury surplus thus ardently advocated by Cushing soon became a recognized Whig measure, backed in the Senate by Henry Clay and approved by well-known financiers. Jackson watched it without enthusiasm and signed it with reluctance. But the country was superficially prosperous, and there seemed to be little danger in a scheme which assigned to each state its proportional share of all surplus government funds above \$5,000,000. As a matter of fact, the nation, as shrewd observers could see, was afflicted by a speculative mania, which, spreading gradually, especially in the West, had resulted in an unprecedented inflation of values. When Jackson, on July 11, 1836, issued his famous Specie Circular, stipulating that purchases of the public lands must be paid for in coin, banks began to call in their loans, the financial bubble burst, and disaster could not be averted. When also the distribution of the surplus began on January 1, 1837, the banks were again obliged to demand payment on their

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notes, and violent contraction at once resulted. The truth is that Cushing and the Whigs had been supporting a policy which was economically unsound.

For the moment, however, all was placid, and the Whigs were complacent. On July 4 the twenty-fourth Congress closed its first session, and Caleb Cushing, his reputation heightened by his excellent record in the House, returned to Newburyport to "mend his fences." It was the year of both a Congressional and a Presidential campaign, and he was badly needed at home. He had made in Washington many new friends, and had cemented old intimacies. His engagement book shows that he dined during the winter of 1835-36 with Lewis Cass, Levi Woodbury, Belknap, Abbott Lawrence, John Quincy Adams, Forsyth, and Van Buren. Three times he was at the White House for dinner; and he was at Webster's home at least one evening a week throughout the session. As an eligible widower he was welcome in many Washington homes, but he seemed indifferent to ladies, and, though courteous, did not respond to their advances. He was far more interested in the political future of the Whig Party.

Since the first of the year the Massachusetts Whigs, as we have seen, had been much embarrassed regarding the course they should pursue. It required no Cumean Sibyl to predict that Webster's chances for election as President would grow slimmer and slimmer. On February 16, Cushing, as Webster's unofficial agent, had written Theophilus Parsons, inquiring what the Legislature was doing to help Webster's cause. In reply, Parsons complained of the rumors, nearly all of them false, which he was constantly hearing from Washington, to the effect that Webster was about to resign, or that he was ill, or that he was ready to abandon the race for the Presidency.

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Parsons urged that the General Court proceed at once to confirm Webster's nomination:

"I am sure I express an almost unanimous opinion of the leading Whigs here, when I say, Mr. Webster must not withdraw, — *come what may*, Mr. Webster must not withdraw, — even if it becomes certain that he cannot be elected. I have no political opinion more strongly fixed in my mind than that we can *in no other way* preserve the integrity of our state politics."

To this letter Cushing made a prompt reply, evidently after consultation with Senator Webster himself:

"Your letter of the 22d administers much consolation to me, in all the facts & opinions which it contains.

My creed, as you very well know, is contained in 'Massachusetts.' I have seen no cause to depart from any one of the positions I then assumed. There is, of course, no occasion for me to enlarge upon my own individual sentiments.

All the stories about Mr. Webster's declining are utterly false. They are nothing but rumors fabricated for political effect. No such mission as you allude to ever took place; nor did I know any such to be contemplated. There has been free interchange of opinion between Mr. W. & the Whig members of the delegation; the result of which is, that we stick fast, on both sides, to our pristine faith.

The friends of Harrison have been pressing Mr. W. to decline. They urge that his withdrawal will strengthen their hands in certain States, as Ohio, Pennsylvania, New York. Considering the subject in a national point of view, the question is this: is it our duty, by the withdrawal of Mr. Webster, to sacrifice the Whig cause & the State Administration in Massachusetts, in order by possibility to aid the Whig cause in Ohio? I say, no.

The friends of Harrison have abandoned Mr. W. on the ground that he is not an *available* candidate. It is time to look at available States as well as candidates. How long has New York or Ohio been an available state? Massachusetts, we know, holds her virginity undefiled. And she is able, with Mr. W. at her head, to keep it.

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I fully believe in the propriety of adhering unflinchingly to the nomination of Mr. W. I fully believe he will carry the State. Perhaps, in my general views, & in my action upon them, I have been more decided than some of my colleagues. But that is an affair of temperament & mental constitution. Suffice it, that we meet in our conclusions.

It is probable that, by to-morrow's mail, there will go a letter from Mr. W. himself to some member of the legislature, presenting, with suitable qualifications, his determination to commit himself, unreservedly, to the wishes and decisions of the Whig members of the Legislature.

If the letter does not go, you will understand still that such is his determination; of which I will apprise you by to-morrow's mail.

I would beg leave to recommend that the action of our friends should be as speedy as possible after the receipt of Mr. W.'s communication, so that there may be no forestalling of the matter by any adverse party or press.

One thing more. It seems to me that the nomination of Francis Granger as Vice-President would be an eligible step; & this point may deserve consideration.

In regard to the use of this letter of mine, I hope you will exercise discretion. Perhaps the best course will be to make use of the facts without exhibiting the letter. There is nothing in my own opinions which I wish to conceal, but I do not wish to give the adversary room to talk about suggestions from Washington. Please bear this in mind."

Meanwhile Robert C. Winthrop,¹ whose influence was beginning to be felt as one of Webster's most enthusiastic adherents in Massachusetts, had written Cushing, February 25, in part as follows:

"Massachusetts can hold her own while Mr. Webster is a candidate. They will both *decline* together. And every day

¹ Robert Charles Winthrop (1809-1878), born in Boston and graduated at Harvard in 1828, had studied law with Webster and was admitted to the bar in 1831. From 1835 to 1840 he was a member of the Massachusetts General Court, being Speaker of the lower House from 1838 to 1840.

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an uncertainty exists upon this point, is a day, and a day's advantage, gained to the enemy. We have enough to discourage us at the best. Our excellent Gov. has, I fear, disaffected some few by certain sentiments contained in his Inaugural. We all see, too, that we are to fight a lost battle. But, so long as we can save Massachusetts, we have something left; and this we cannot do under any name but Webster's. So say the best judges in the Legislature & the best fellows everywhere, and so I believe.

We are soon to have a Legislative caucus for the purpose of renominating the Gov., etc., which I hope & have reason to believe will be done without opposition. At this meeting the subject of the Presidency must come up. There is but one feeling as to the expediency & propriety of adhering to our first choice. But means must be given to us to answer inquiries, even though they should seem to be impertinent. We must have it in our power to give assurances as to the ultimate views & purposes of Mr. W., at least so far as they can be known to himself.

The expediency, too, of proceeding forthwith to nominate Electors, or of leaving it to a convention in the autumn, will form a subject of consideration. There is, I think, rather a leaning to this latter mode. A Convention, attended, as it may be, by our Members of Congress, & so shortly preceding the election, it is thought will excite a salutary interest among the People. Still the postponement may look like a fear to nail our colors to the mast, & give grounds for the apprehension of our friends."

On March 1 Cushing replied to Winthrop, stating certain views which were undoubtedly accepted on Beacon Hill as Webster's *obiter dicta*:

"Mr. W. is decidedly in favor of a Convention in the Fall, & he thinks it should be held at Northampton. . . . I hope & trust that Gov. E. will be cordially and unitedly renominated by the Convention of the Legislature. I know not whether you have thought much on the subject of the Vice Presidency. There has been no particular consultation here as to this point; but as far as I know the opinion of the gentlemen, Mr. W. included, it is decidedly for Francis Granger. For myself, I

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think exceedingly well of Mr. G., of whom I have seen a good deal; & I think his nomination would be useful to us in reference to the position assumed by the leaders of the Anti. M. Party in Mass."

Caleb Cushing worked earnestly and effectively to settle the various points of difference among the Whigs of his own state. He was under no illusion as to Webster's chances of success; yet he was determined that Webster should be a candidate, and that the Whig Party should remain intact. In both these aims he was successful: Webster failed at the polls, receiving only fourteen electoral votes to 26 for White, 73 for Harrison, and 170 for Martin Van Buren. Van Buren's popular vote of 762,678 exceeded that of his three rivals put together. But the Whig Party was uninjured and was ready for its supreme triumph in 1840.

If Caleb Cushing had had any dream of rest by the seashore that summer, he was certainly much disappointed. He argued several important and lucrative cases before the Massachusetts Supreme Court. He prepared a public address to be delivered on October 20, at the ninth annual fair of the American Institute in New York City. Rightly considering this invitation to be both a compliment and an opportunity, he devoted himself to an elaborate defense of the protective tariff, emphasizing especially the stimulating effect of the "American plan" on national industry. It is illustrative of his versatility that he found time to write for the *North American Review* an informative and statistical article called *A View of the Anthracite Coal Trade of Pennsylvania*, in which, with unusual skill, he compiled long tables of figures and drew deductions from them. In the early autumn he was called into requisition as a Lyceum speaker in towns throughout eastern Massachusetts. Much of this lecturing he viewed

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in the light of electioneering, for he himself was, of course, again a candidate for Congress, and the Lyceum stage gave him a method of presenting himself to his constituents without seeming to be making an appeal for votes.

The only hint of antagonism to Caleb Cushing's re-nomination by the Whigs came from the abolitionists, of whom there were many in his district; but even they had been so much pleased by his courageous stand for the Right of Petition that they were ready to support him. The leader of the Essex North abolitionists was John Greenleaf Whittier, who knew, of course, that Cushing was not in accord with abolitionist views; but Whittier, like the sagacious opportunist that he was, had recognized Cushing's ability and had determined to gain from him all that could be secured by either praise or veiled threats. On January 10, 1836, Whittier wrote Thayer, the Haverhill editor:

"The anti-slavery folks have circulated a petition to Congress in the village, and it has been signed by about one hundred and twenty legal voters. We shall plague Cushing with it, but he had as lief see the old enemy himself as see it. 'Tis nothing to the dose we shall fix for Congress next year."

On February 18, after Cushing's famous speech in defense of the Right of Petition, Whittier wrote him:

"Allow me once more in behalf of a large portion of thy constituents to thank thee for thy eloquent & conclusive speech in favor of their constitutional rights."

Whittier was duly grateful for the assistance which Cushing rendered him in Congress, and frequently expressed his appreciation of what the Congressman had done. Again, on February 20, he wrote:

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"I send thee three small petitions, and will trouble thee no more for the present session. Many thanks for thy just defense of Adams, and of the petitioners of Massachusetts. We have just got the question before the legislature in relation to the right of petition, as violated by the resolution in Congress of the 18th of January. It will probably be protested against on the part of our legislature, and thus you will be fully supported at home."

In Whittier's letters, which were uniformly at this period addressed to "Friend Cushing," he occasionally offered some definite advice or outlined his political creed. A letter dated March 1 is an interesting contribution to the history of the time:

"I am greatly obliged to thee for thy account of the state of politics at Washington. It is, however, pretty much as I had previously supposed. My object in making the remarks thee alludes to was to put thee on thy guard in reference to the state of parties *here*. Our last election was ominous. The *Whig* party cannot stand much longer in Massachusetts. The *Whig men*, with the exercise of a prudence and forecast perfectly consistent with sound principles, may. I notice that the Southern and Western Whigs take every possible occasion in Congress to attack Van Buren and friends at the North. This course would be fatal to the Massachusetts delegation. A firm and steady support of Daniel Webster, without playing into the hands of the White and Harrison parties, or volunteering attacks upon the V. B. party, is, it appears to me, the safest course for yourself & the best for the true interests of the state.

Thy skirmish with Hardin, & its triumphant result, has gained thee no small degree of credit, among *all* parties here. It discovered an untrammelled and independent spirit, & a determination to defend thy honor & the interests of thy constituents, irrespective of partisan feelings.

I like the old-fashioned democratic tone of thy speech on the right of petition. The *Banner*, — the V. B. organ of this district, — copied with approbation the two paragraphs com-

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mening: "I have incidentally touched upon the argument of precedents," and "Sir, I am a republican."

On the right of free speech and communications, there will be a splendid opportunity to maintain the vital principles of democracy, — to hold up before the nation the now universally detested Sedition Law, — to speak of those who suffered by it & to set the democracy of Virginia and Carolina in 1800, in opposition and battle-array against that of those 'chivalrous' sovereignties at the present time. It will be sport to see the 'engineer hoist with his own petard.'

I wish that some of the Massachusetts delegation would just tell the Southerners that the old Bay State was never a slave state; — that, although slavery existed here, it was recognized by our laws only as an existing evil & stood only upon its own execrable foundation of Robbery and Wrong. That our Courts of Justice were temples of refuge for the slaves long before the Constitution of 1780. Thus, in 1770, a suit was instituted by a slave in our judicial courts for freedom & recompense for his services after attaining the age of 21 years, — & the court decided in his favor. Other suits were in consequence instituted and all terminated in favor of liberty (*vide* Dr. Belknap's answer to Judge Tucker). On the part of the slave it was pleaded that his servitude was a violation of the Colony's charter, & of the fundamental law of England that no person could be deprived of liberty, but by the judgment of his peers. These facts are doubtless familiar to thee; & I only wish to call thy attention to them."

Caleb Cushing occupied a curious position with regard to conflicting elements in Massachusetts. While he was receiving and undoubtedly deserving the encouragement of the abolitionists, he was constantly hearing another side of the matter from his friend, Edward Everett, who, as a candidate for Governor to succeed himself, was not over popular with Whittier and his faction.

But Everett, in spite of his apprehensions, was elected without much difficulty. Jacksonism in Massachusetts was decidedly on the decline, and the Whigs were rightly

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jubilant. As for Caleb Cushing, he had no reason to fear for his seat. The prominence which he had so quickly attained in the House, his readiness to labor for the welfare of his constituents, and the recognition he was receiving from other sections: — all these had weight with the voters of Essex North. Gayton P. Osgood did venture again into the field against Cushing; but the latter overwhelmed his opponent by a majority of at least 1200 votes.

Secure of his political future for many months to come, Caleb Cushing returned to Washington in December in season for the opening of the second session, which, for him, was destined to be crowded with exciting moments. He had barely arrived before he received a note from Whittier, dated December 12:

“ I send thee three or four petitions, and there’s mair a-comin’. We need not tell thee that we want a hearing before Congress, and that we must have it somehow or other. The next year we shall send double the number, until the united voice of New England thunders upon Congress.”

William Lloyd Garrison, with a dislike of Cushing in his heart, did not hesitate, from his office in Boston, to besiege the Congressman with communications. On December 31, he wrote:

“ The enclosed petitions, from females in Barnstable County, having been forwarded to the Anti-Slavery Office in this city, I transmit them to you. If I knew the name of the representative from that county, I would send them to him, as I presume you will have more than your share sent to you during this session, on account of the noble stand you took at the last session in relation to the subject. . . . I trust that some one or more of our delegation in Congress will endeavor to ascertain, exactly, the whole number of petitions and of signatures that may be presented during the present session.”

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When Cushing promptly replied that he had placed these petitions on the desk of the Congressman to whom they should have been transmitted, Garrison answered, on January 12, 1837:

"I thank you for your letter of the 8th inst., and for putting the petitions from Barnstable District into the hands of Mr. Reed. Once more I venture to trespass upon your kindness, by sending you the accompanying petition from the town of Attleborough, Mass. Please either to present it yourself, or to place it in the hands of the representative to whom it more properly belongs. You will perceive that the signatures are all in the same handwriting, but they are all genuine, and were obtained by the Rev. Charles Simmons. I wish the original petition had been forwarded to me, but suppose it was very much soiled. As you are doubtless very busy, do not trouble yourself to acknowledge the receipt of this.

To-day, the *N. Y. Journal of Commerce* has been received, giving a sketch of the debate in the House on Monday. Mr. Adams exhibits a noble front, and will get to himself great and enduring fame. I am quite sure that he will be efficiently sustained by the entire delegation from Massachusetts, and by none more cordially or ably than by yourself."

Cushing was certainly doing his part in assisting both Garrison and Whittier. He presented the abolitionist petitions to Congress as fast as they reached his hands. Occasionally Whittier thought it necessary to stimulate Cushing's zeal, as on January 16, when he wrote:

"Bye the bye, how are the abolition petitions received? I am looking with a great deal of anxiety for the presentment of the petitions from Essex Co."

But Whittier had no need to fear that Cushing would be recalcitrant or timid; the Essex Representative was consistently supporting John Quincy Adams throughout the arduous and heroic fight which that older statesman was carrying on in defense of the Right of Petition.

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Cushing had a dramatic opportunity for occupying the center of the stage on February 6, 1837, when Adams, after bringing up nearly two hundred separate petitions, concluded by presenting a petition purporting to be from twenty-two slaves, and asked whether it came under the regular House rules. Adams's enemies rallied in force, and there was tremendous confusion in the hall, in the midst of which resolutions were presented censuring Adams severely. When the disturbance was at its height, Adams rose and quietly called the attention of the House to the fact that the petition was "that slavery should *not* be abolished." Naturally the commotion was redoubled; Adams was accused of trifling with the House; and resolutions of censure were again proposed. Various speakers secured the floor, among them being Waddy Thompson, Jr., who, representing South Carolina, assailed Adams as the spokesman of New England.

It was at this moment that Caleb Cushing, who had been sitting impatient and resentful of these attacks on the venerable ex-President, stepped forward without preparation and made an eloquent defense of his own section. He opened with an impassioned eulogy of freedom, especially freedom of speech:

"Sir, I claim to be descended from the king-killing Round-heads of the reign of Charles the First; through a race of men not unremembered in peace or war; never backward in the struggles of liberty; a family upon the head of one member of which the first price of blood was set by Great Britain, in revenge for his early devotion to the cause of independence. I venerate their character and their principles. I am ready to do as they did, — to abandon all the advantages of country, home, fortune, station, — to fly to some western wilderness, — and to live upon a handful of parched corn and a cup of cold water, with God's blessing upon an honest independence, — sooner

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than I will surrender one jot or tittle of those great principles of liberty which I have sucked in with my mother's milk."

He went on to state that the great majority of Northerners were decidedly opposed to anti-slavery agitation and that they had a warm and sincere respect for Southern opinions; and he asked, therefore, for moderation from both parties, — slave-holders and abolitionists. He himself, he added, had kept his personal independence in the matter of anti-slavery controversies; but he thought it his duty also to represent his constituents, and to pay deference to their wishes. Then follows a paragraph of high significance:

"We, of the state of Massachusetts, hold universally that domestic slavery is, in the abstract, an evil, moral, political, and social; we hold that negro slavery, as it now exists in some of the states of the Union, is an evil; and if it depended upon us, and slavery could be abolished lawfully, and with safety to the blacks and the whites, the two races would not coexist in their present relations another day. It is true, I confess it, these opinions we at the North do hold. And we do not think it a question which in this age needs argument. If it were alleged to us that slavery is a blessing, — which the gentleman from South Carolina has in this debate affirmed it to be, — we should be prone to shrug our shoulders in silent wonder, and pass on."

Proceeding next to a consideration of the direct question at issue in Adams's case, Cushing advanced some cogent arguments in favor of the legal right of citizens to petition Congress, and pointed out that it would be both proper and reasonable for that body to listen to the prayer of a slave. His own exposition of his views is worth repeating as a fair indication of his creed in 1837:

"Having been at all times a strenuous advocate of the freedom of opinion, of the press, and of petition, I consider it my duty to state thus my views of the existing constitutional limi-

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tation of these immunities. . . . I resist the attempt to punish my colleague by a sort of *ex post facto* law, which in its tendency extinguishes the freedom of debate, and subjects every member to the arbitrary will of a majority. I defend the particular opinions of the North. I assert the freedom of opinion, speech, the press, petition, inherent in the people of the United States, and secured to them by the Constitution. But while I maintain the sanctity, the inviolability of these rights, as it befits a Representative from Massachusetts to do, I will not practice here, nor countenance elsewhere, any encroachment on the constitutional rights of the South."

In conclusion, Cushing indulged himself in some sentimental remarks regarding his own section of the country:

"Sir, I have roamed through the world to find hearts nowhere warmer than hers, soldiers nowhere braver, patriots nowhere purer, wives and mothers nowhere truer, maidens nowhere lovelier, green valleys and bright rivers nowhere greener and brighter; and I will not be silent while I hear her patriotism or her truth questioned with so much as a whisper of detraction. Living, I will defend her; dying, I would pause in my last expiring breath to utter a prayer of fond remembrance for my native New England."

The doctrines thus carefully presented in this speech and its intensity of feeling have made it probably Cushing's best known oratorical achievement. Delivered without notes, it was afterwards written out by the author, and became at once a classic of its kind. It was recited on many a school-room platform, with Webster's *Bunker Hill Oration* and the *Reply to Hayne*; and even to-day, when the issues which prompted it are dead as Rameses, its fervor keeps it alive.

Cushing's manifest sincerity commanded the respect, if not the entire approval, of most right-minded Northerners and even the more radical abolitionists

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were grateful for what he had done. Whittier wrote him on March 13, 1837:

"I send thee with this a copy of the Report & Resolutions of the Committee on the subject of Slavery & the Right of Petition. These resolutions, or others still stronger, will pass in both Houses. The message of Van Buren & the course of the Van Buren party in Congress has induced the leading Whigs to take this course. Many of the V. Buren men will go for the Report.

I am thankful that Massachusetts will thus nobly sustain the representatives, and assert the right of her citizens 'peaceably to assemble & petition for the redress of grievances.'

I regret that we have not yet been favored with thy speech in Congress in the great debate on J. Q. Adams's petition. It would have done good in regard to the resolutions now before the Legislature. When will it be published? Many members of the Legislature are extremely anxious to see it. What is the meaning of Van Buren's message? Is it the settled policy of 'the Government' to 'go to the death' for Slavery? Will the old Calhoun party accept the veto-pledge of V. B. as a sufficient peace-offering, ground their arms and wear the brands and ear-marks 'of the party'? I have been amused in looking at Ritchie's comments on Van Buren's messages. They are full of the childishness and garrulousness of dotage, gratified in its cherished whims. But one thing is certain; Van Buren will lose Rhode Island, Connecticut, and Pennsylvania by his extraordinary veto threats. How much he will gain by it at the South remains to be seen.

Will thee drop me a line giving some account of the *real* state of things in Congress, with reference to this question of Slavery? How is it regarded by the several parties? And such facts as may be of interest. By so doing, thou wilt greatly oblige thy assured friend."

Cushing's reply to Whittier's queries has unfortunately disappeared. The next stage of the correspondence which can be discovered is another letter from Whittier

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to Cushing, dated, "Amesbury, April 4," and sent to Newburyport:

"Thy letter of the 23d, 3d mo. has been duly rec'd. I have noticed myself the inaccuracies of the report of Cong. proceedings in our Anti-Slavery papers; but the truth is, the Washington papers themselves systematically suppress a great portion of all that is said in any way favorable to our cause, or the right of petition: and it is only by reading forty 'Washington correspondents' & a careful examination of the *Globe*, *Intelligencer*, & late *Telegraph* that anything like a tolerable account of the proceedings can be given. The next session we shall have two reporters at Washington, & will see that a full & faithful account is given. I suppose thee have seen J. Q. Adams's letter to his constituents. His last, in particular, is characteristic of the annihilator of Jonathan Russell, — keen, stinging sarcasm, and cool, logical reasoning.

Our County Anti-Slavery Society holds its Quarterly Meeting in this place on the 21st inst. As the Secretary of the Society & the person who forwards the petitions to Congress, I wish to state what was the fate of their petitions, to the meeting. Could thee write me a letter in reference to this single point, — the petitions from Essex Co. — male and female — giving an account of their presentation & their fate, with such observations as will naturally suggest themselves to thy mind — and permit me to read it, as a private, but not strictly confidential letter, to myself? I have no doubt it would be highly acceptable to the friends of emancipation gathered from all parts of the County. A similar request on my part will be made of Mr. Phillips. Of course I do not expect you to avow yourself to be other than what you are now understood to be, — anti-abolitionist. But, as an Abolitionist, I am grateful to both of you for your defense of the character of the petitioners, & for your manly stand for the periled right of petition.

Is thy speech yet from the press? If so, will thee send a few copies to me as soon as possible? "

Caleb Cushing was sincerely desirous of serving all his constituents, even those with whose principles he was

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not in accord; and he therefore met Whittier's request with a detailed reply, dated April 18, from Newburyport:

"I received, during the late session of Congress, a considerable number of Memorials, signed by inhabitants of the District which I represent, on the subject of Slavery or the Slave Trade in the District of Columbia, or questions connected therewith. Most of these I presented in my place from time to time as occasion offered; but some still remain in my hands; and, as well in justice as in duty to my constituents, I am desirous to render an account of my stewardship in this matter. You, as Secretary of the Anti-Slavery Society of the County of Essex, forwarded to me a portion of these memorials; and your official relation to the Society seems to point you out as the person proper to be put in possession of the facts; and in this view I address you at the present time. I presented on one day or another the Memorials of citizens of Amesbury, Salisbury, Andover, Boxford, Bradford, Haverhill, Lowell, Methuen, Reading, and Rowley; & of ladies of Amesbury, Andover, Haverhill, Lowell, Newburyport, Reading, and Salisbury. All these Memorials were by order of the House, summarily laid on the table, without commitment, reading, or other consideration.

Subsequent to the 6th of February, and the conflict between Mr. Adams and his friends and a combination of Southern members, there was no day of the session in which the members from Massachusetts had the opportunity of presenting their memorials. I received, after that day, a petition purporting to be from ladies of Essex County, praying for the abolition of Slavery and the Slave Trade in the District of Columbia; which I shall retain in my possession. I received, also, three Memorials from this County signed by Samuel H. Emery & others, Josiah Brown & others, and Isaac Braman & others, respectively, praying the House to rescind the notorious & offensive Resolution of the 18th of January; which I still retain.

I will not trouble you in regard to similar Memorials which I received from other parts of the country; but I hope you will do me the favor to answer any inquiries you may hear as to those which are specified in this communication."

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Cushing's course in defending Adams brought him commendation from many sources, especially from his personal friends, like Judge Wilde, Samuel A. Eliot, and others. From William Lloyd Garrison he received a copy of a resolution proposed by Wendell Phillips at the Quarterly Meeting of the Massachusetts Anti-Slavery Society in Lynn:

"Resolved, that the exertions of John Quincy Adams, and the rest of the Massachusetts delegation who sustained him in his defense of the citizens' right of petition, deserve the deepest gratitude and the warmest admiration of every American."

This resolution was adopted unanimously, and it was ordered that copies should be transmitted to Adams, Levi Lincoln, and Caleb Cushing. In his reply to Garrison, Cushing took good care not to commit himself too far in the cause of the Abolitionists:

"I have received your letter of the 11th instantis, communicating the vote of the Massachusetts Anti-Slavery Society, approving the conduct of the Massachusetts delegation. It will continue to be my aim in the next Congress, as it has been in the last, to defend the character and maintain the rights of the North, without assailing the character or invading the rights of the South."

Aside from this spectacular controversy over the Right of Petition, this session was not distinguished for the amount of business transacted, and Caleb Cushing took no conspicuous part in the routine legislation. On February 1 he spoke at some length regarding the policy of the government towards the American Indian tribes, advocating a generous attitude of conciliation, on the ground of both policy and justice. Later in the same month he urged Congress not to recognize the Texan republic until the situation in the Southwest was less mud-

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dled. He denounced vehemently a proposal to repeal all the laws authorizing protection for sailors. These, however, were unimportant issues, for attention was being focused on the incoming president. The short session closed on March 3. On the following morning, under a bright and cloudless sky, Andrew Jackson and Martin Van Buren rode down Pennsylvania Avenue to Capitol Hill; and there Van Buren, the heir to the policies and the difficulties of his impetuous predecessor, was inaugurated as the eighth President of the United States. The sun shone upon his accession to office, and the tone of optimism in his address led the people to hope that it was the dawn of an auspicious day.

Caleb Cushing, however, had no longer any illusions so far as politics were concerned. He watched the procession with a cynical smile, but greeted the new President cordially at the grand ball in the evening. The next day saw him *en route* for New England, where, as he was well aware, there was much for him to do. He arrived in Newburyport in time to send a note to Governor Everett regarding the vacancy in the Massachusetts Supreme Court:

"It has appeared to me that, with the exception of Judge Story, no gentleman has been suggested, who unites in himself so many favorable considerations as Gov. Lincoln. He possesses great respectability as a distinguished advocate, judge, chief magistrate, & representative; a dignified & courteous personal address, and unexceptionable private character; with general ability & acquaintance in politics, legislation, & jurisprudence. Added to which, he has already afforded evidence of his competency & *acceptableness*, during the time he sat in the same Court.

I am aware that a strong desire prevails at the West, that the appointment should fall in that quarter. Abstaining to utter a word of disparagement of any one of the western gentlemen

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who have been spoken of, each of whom I highly esteem, I may without impropriety or indelicacy say, that neither of them receives the unqualified approbation of the bar in other parts of the Commonwealth.

Would not the public standing & high pretensions of Gov. Lincoln be rather likely to reconcile the West to an appointment out of its immediate limits, — more so, at least, than if any comparatively new man were to be selected? And would not the same consideration have a correspondent effect on the minds of all persons, wherever living, who might entertain a personal or local preference for some other individual, such as Mr. Hoar or any other person in this part of the State? ”

To this warm recommendation, Everett replied in his usual dignified and careful manner:

“ In the general estimate which you form of Gov. Lincoln’s qualifications and claims as a statesman and magistrate I fully concur with you, and in a willingness to do everything in my power to contribute anything to his means of usefulness you cannot go beyond me. The selection of a Judge is very important, — probably the most important duty I shall be called to perform. The appointment of Judge Story is, I believe, placed out of the question, by his having, after advisement and consultation, made up his mind to retain his present place. This being the case, I am fearful there is no individual, who would accept the appointment, whose claims would be considered so transcendent as to reconcile the West to a postponement of their sectional rights. I say *rights*, for I must think them such. That they should not, out of nine judges of the two courts, have a single one, must, I think, be admitted to be pretty hard.

I shall do my best to meet the just views of the profession and the public, throughout the state; but, — without intending to ‘commit myself’ to views which unforeseen circumstances may change, — I confess my present feeling is that the West is entitled to the Judge.”

In this case, as in certain others, Cushing’s sense of loyalty to a friend led him to make a recommendation which

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was probably unwise. On this occasion, however, Everett resisted Cushing's pleas, and Lincoln was reserved for a career of another sort, no less distinguished.

During the spring and summer of 1837 the dispute with Great Britain over the northeastern boundary of the United States was obviously nearing the danger point. The situation was such as to make each party to the quarrel keenly sensitive, and public opinion in Massachusetts was rather strongly roused. Acting under the double stimulus of his responsibilities as a New England Congressman and his cordial dislike of England, Caleb Cushing entered into an exhaustive study of the various technicalities involved, and as the product of his researches, published in four successive numbers of the Boston *Daily Advertiser and Patriot* a series of open letters to Governor Everett, in which he treated the problem from the historical standpoint. He had an excellent text for his argument in certain resolutions of the Massachusetts General Court, which had declared that it was "due to the rights and interests of Maine and Massachusetts that measures should be taken by the Executive of the United States to secure a speedy settlement of the protracted controversy." These resolves had already been presented in the United States Senate by John Davis and in the House by John Quincy Adams; and Webster, voicing the sentiment of the Massachusetts delegation at Washington, had called for and obtained a copy of the latest negotiations between the two governments involved.

In his examination of the boundary, Cushing went back to the Treaty of 1783, describing carefully the important charts relating to the territory involved, especially the Faden Map made in 1815 of Lower Canada, a copy of which hung in one of the House Committee rooms

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and which practically conceded the American claims in full. With characteristic audacity, he presented the extreme American argument, giving the United States sovereignty over the headwaters of the St. John's River. He did not hesitate to announce his conclusion, — that Canada would inevitably either rule herself or seek an alliance with the United States.

Cushing's letters brought him praise from President Van Buren, who was at that moment much occupied with the study of the controversy. Perhaps it would be too much to assert that Cushing accomplished a great deal in moulding public opinion in New England, but his discussion was widely read and provided information which was used to advantage in debates. Anglophobe orators for some years found arguments there which completely justified their cause.

Probably the most interesting incident of Cushing's crowded summer was the visit to Newburyport of John Quincy Adams, who, at Cushing's urgent request, had agreed to deliver the Independence Day Oration in that town. The story of this tumultuous visit is related so vividly and entertainingly in Adams's *Diary* that parts are worth quoting. He makes, on July 3, the following entry:

“Reaching Ipswich just after five o'clock, we found there Mr. Caleb Cushing with Mr. DeFord and Mr. Bradbury, members of the committee of arrangements, in readiness, with a coach-and-four to take me on the remnant of the way. Mr. Cushing gave me notice that we should meet an escort in Newbury old town, where were assembled a numerous company of old and young persons, and a cavalcade of young men for an escort. Mr. DeFord, the chairman of the committee of arrangements, here made a short address to me,—which I answered; after which, preceded by the cavalcade, we went on in procession to Mr. Cushing's house in Newburyport.”

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His next entry gives a full account of a celebration in the good old days of exuberant American patriotism:

"From the time of my arrival in the town last evening, chaos is the only word to express what I have seen and felt. Mr. Cushing lives with his father and mother, but they did not make their appearance. His sister did the honors of the tea and breakfast table.¹ Mr. Wilde, a son of Judge Wilde of the Supreme Court of the State, with his wife and a son five or six years old, and Mrs. Doane, a daughter of Judge Wilde's, came in from Boston last evening and lodged here.² Mr. Cushing is a widower, without children, and his wife was a daughter of Judge Wilde. The firing of guns began at midnight, and continued all night, together with squibs and crackers, almost without intermission.

At nine this morning Colonel Coleman arrived, and took me in a chaise down into Water Street, where I found Mr. Cushing standing upon a platform and delivering an address to the eminent members of the fire department, drawn up in a line in front of him. He very soon concluded, and descending from the platform, introduced them to me. Walked in a procession with them to a building belonging to them where there was a table served with a cold collation. I gave them a toast in lemonade,—'The Fire Department of Newburyport, always prepared for duty, may they never be needed to perform it!'

I then returned to Mr. Cushing's, and shortly proceeded to join the procession formed in High Street. . . . The procession was very large, and with it were several hundreds of children of the public schools, male and female. The march

¹ Caleb Cushing's step-mother was now absolutely deaf, and would naturally not have cared to appear. Her husband probably did not wish to be present without her. Cushing's sister, mentioned by Adams, was Lydia, who was at this time thirty-two years old and unmarried,—a typical New England spinster in the period when every girl was supposed to marry at least in her twenties.

² Judge Wilde had nine children, of whom five were living in 1837. The oldest son was George Cobb Wilde (1800-75), who was one of Caleb Cushing's friends in Newburyport. The Mrs. Doane referred to was Judge Wilde's youngest child, Anne Sumner Wilde (1809-74), who married Frederick W. Doane, and, after his decease, Robert Farley.

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and countermarch, traversing many of the streets of the town, took a long hour. The meeting-house . . . was crowded with auditors as full as it could hold; hundreds could not obtain admission. There was music, instrumental and vocal; four stanzas of R. T. Paine's song of Adams and liberty were sung; then an anthem; next the Declaration of Independence was read by Mr. Robert Cross of Amesbury; the 194th hymn of Dr. Belknap's collection 'O'er mountain tops the mount of God, in latter days shall rise.' This was performed at my request, and immediately preceded the delivery of my oration, which occupied an hour and a half,—listened to with deep attention and occasional applause. The Hallelujah Chorus, the Anthem Chorus, and the Benediction Chorus closed the performances, at half-past two o'clock."

Nor was the strenuous day yet over. In the afternoon Adams received "a numerous succession of visitors," many of whom remembered him as a young law student in Newburyport fifty years before. In the evening he strolled out with Cushing on the Mall to watch the display of fireworks. Not until after eleven o'clock did peace descend upon the town and upon the much wearied statesman. On July 5 he made a final entry in his *Diary*:

"Quiet night's rest. Mr. Caleb Cushing's father is an old sea-captain and told me that he was one of those who wintered at Cronstadt in 1809, and, on returning in the summer of 1810, was captured by Danish privateers for sailing under an English convoy. . . . After breakfast we took leave of Mr. Cushing, and at a quarter before nine left Newburyport, my son and myself, in an extra stage and four horses, provided by the committee of arrangements, and in which we returned through Ipswich, Beverly, and Salem, to Boston, where, crossing in the Winnisimmet steam ferry-boat, we arrived just after one P. M. We reached home shortly after five P. M., with the grateful feeling, on my part, of having passed through another fiery ordeal unscathed."

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Cushing improved the summer weeks after Adams's visit by taking a trip to Niagara Falls, thence to Montreal, and home through Maine, thus getting some badly needed recreation and relief from official duties. He could not refrain, however, from studying the Northeastern Boundary problem, and secured a large amount of first-hand information by which he was later to profit, especially when the question was being debated in Congress.

There were important matters to consider as the summer of 1837 drew to a close. Van Buren had hardly entered the doors of the White House before a panic was under way, and the country began to pay the penalty of unwise speculation and inflation. By April 8 nearly one hundred business houses in New York City were insolvent; within a few days more, failures were so numerous and common as to excite only casual comment. On May 10 New York banks reluctantly suspended specie payments, and the dreaded crash had come. Banks throughout the country were compelled to follow the example of Wall Street; and Van Buren, disconcerted, hastened to issue a call for a special session of Congress, to meet on the first Monday of September.

To Caleb Cushing, as to other Whig leaders, the financial collapse seemed attributable to the weakness or culpability of Jackson and his supporters. In Massachusetts, Cushing was one of the first to sound the note of "Democratic inefficiency." At a gathering of his constituents on August 22, in Lowell, he described the business situation as one of utter stagnation and instability. He declared himself in favor of a mixed currency of paper and specie; defended the United States Bank as an institution for which there could be no permanent substitute; and vigorously assailed the Sub-

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Treasury idea as one the consequences of which would be "altogether disastrous." When Congress assembled on September 4, Caleb Cushing was prepared, with statistics and with arguments, to stand out as an authority on finance among the Whigs.

CHAPTER SEVEN

THE RISE OF THE WHIGS TO POWER

“What has caused this great commotion, motion, motion,
Our country through?

It is the ball a-rolling on,

For Tippecanoe and Tyler too, Tippecanoe and Tyler too!”

Of the legislature called by President Martin Van Buren into special session in September, 1837, Senator Thomas H. Benton, who certainly was a well-qualified judge, said, — “In all my long service I have not seen a more able Congress.” It included in the House one former President, John Quincy Adams, and two future Presidents, James Knox Polk and Millard Fillmore. In the Senate the three giants, Webster, Clay, and Calhoun, still retained their seats, and with them two later occupants of the White House, Franklin Pierce and James Buchanan. The larger proportion of experience and ability was evidently with the anti-administration forces, who, directed by Clay and Webster, were prepared to wreak on Van Buren the revenge which they had unsuccessfully tried to inflict on his sturdy predecessor.

It required only a short time for the majority to organize the House. Polk, who had been elected Speaker in 1835 by a margin of forty-eight, was now able to secure only 116 votes to Bell's 103. The preliminary routine having been completed, Congress was ready to listen to Van Buren's first official message. That he had risen to the occasion could not be denied even by his opponents, and Shepard's description of it as “one of the greatest of

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American state papers " is by no means an exaggeration. In a dispassionate way he reviewed the financial situation, dwelt at length on the causes of disaster, and outlined some possible measures of relief. On the assumption that the people had declared in two elections definitely against a national bank, he opposed the restoration of that corporation to power; and he was equally unwilling to persevere in the policy of depositing public funds in state banking institutions. His own solution of the difficulties was simple enough. He proposed a plan which was already, of necessity, virtually in operation, — that is, to authorize the government to collect, retain, and disburse all money taken from the tax-payers for public purposes. This arrangement, amounting to the establishment of an Independent Treasury, was the so-called "divorce of the purse and the sword," which was to present the outstanding issue of Van Buren's administration.

To put it more clearly, the basic principle of the Independent Treasury, or Subtreasury, was to effect a complete separation of the Government from all private banks, and to allow no loans from public funds for the benefit of individuals. With this general program, Van Buren associated other measures which, he thought, might exert a favorable influence on financial conditions: a national bankrupt law; the postponement of the payment of the last of the four quarterly "deposits" which the twenty-third Congress had so rashly voted to divide among the various states; and the issue of ten million dollars in Treasury Notes for temporary relief.

All these recommendations it was the business of the Special Session to consider, and they became, during the next four years, cardinal doctrines of the Democratic Party. So, also, antagonism to them, whether reason-

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able or not, was conventional Whig policy. Bills introduced by Democrats and incorporating the ideas of the President were promptly opposed by the Whigs, who, however, had no program of their own to suggest except a return to a United States Bank, — and of this, in 1837, there was no hope.

In his correspondence with Boston newspapers, Cushing gave frequent reports of the proceedings in Congress. Early in September he wrote:

“ There are seven bills before Congress, the bill being substantially the same in each House.

No. 1 to postpone the fourth installment of the surplus revenue has passed the Senate & is now in the House. Issue doubtful.

No. 2 to issue 10 millions of Treasury notes, of \$100 each & upwards, with interest fixable by the President. Passed the Senate. Will also pass the House.

No. 3 extension of merchants' duty bonds for 9 mos. on each bond from its own maturity. Will pass the House. Has passed the Senate.

No. 4 discretionary & gradual settlement with deposit banks.

No. 5 a warehousing bill, goods to be stored, if desired, for 3 yrs.

No. 6 coercing the District of Col. banks to resume specie payments within 6 mos.

These bills have not been much discussed in either House; but they are likely to pass.

No. 7 imposing additional duties as depositaries in certain public officers.

This is the Sub-Treasury bill. It will not pass, according to present appearances.

An 8th is to come, a bank bankrupt law. It will not pass.

The Senators remain as they were, except that Mr. Calhoun has jumped over the heads of the Conservatives, plump into the very center of the Van Buren ranks, & into the deepest slough of Locofocoism. As yet, he is followed by nobody, except three or four of the more ardent nullifiers in the House.

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C. goes for two things. (1) Exclusive specie or Gov't paper in Gov't dealings; (2) Gov't paper (inconvertible) in place of bank notes. The latter part of his scheme is more monstrous than the first. It is Law's money, it is Assignats, it is old Continental. C. is either mad with metaphysics or mad with ambition. He has made a desperate push to rob Benton of his thunder, wh. B. does not mean to lose hold of. He thinks to be at the head of the Locofocos of the North; in which he will fail as signally as he did in nullification. . . . The secret of the whole matter is jealousy of the prosperity of the North & especially N. Y. Banks are an instrument of commerce. C. wishes to depress our commerce. Add slavery, & Texas."

In taking his own part on the floor, Caleb Cushing showed no undue haste. The Deposit Postponement Bill came up early for action in the Senate, where it was unsuccessfully opposed by Clay and Webster; Cushing waited until the Massachusetts delegation discussed the question on September 18. In this meeting sentiment ran strongly against the bill, Levi Lincoln and Adams being apparently the only ones to realize that there was little but folly in insisting on the distribution among the states of a so-called surplus from a treasury in which there was an actual deficit. Cushing, on September 23, attacked Cambrelling, of New York, for forcing action on the measure, and two days later delivered a long speech in which, expounding the views of the Whigs, he took the President's Message as his text and censured in scathing terms the financial policies begun by Jackson and continued by his successor. In mentioning this debate, Benton, in his *Thirty Years' View*, said:

"Seldom has any President been visited with more violent and general assaults than he (Van Buren) received, almost every opposition speaker assailing some part of the message. One of the number, Mr. Caleb Cushing, of Massachusetts, made it a business to reply to the whole document, formally and

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elaborately, under two-and-thirty distinct heads, — the number of points in the mariner's compass: each head bearing a caption to indicate its point: and in that speech any one that chooses can find in a condensed form, and convenient for reading, all the points of accusation against the democratic policy from the beginning of the government down to that day."

Cushing's especial aim in this address was to protest against the Deposit Postponement Bill, but his warning was unheeded, and the House, after some almost absurd changes in voting, at last passed the measure, so amended as to postpone payment of the fourth "deposit" until January 1, 1839. The judgment of impartial history is unquestionably against Cushing, Webster, and Clay, and with the Democrats who insisted that it was ridiculous to continue the payments to the states.

The bill for issuing \$10,000,000 in Treasury Notes was next on the schedule, and would seem to have been innocuous; but Cushing, taking an active part in the discussion, ignored the obvious fact that the government must have money for the machinery of administration and fought the measure vigorously. Fortunately his objections were overruled; the bill passed on October 9, and was signed by the President.

Up to this stage the Democrats had ground for elation over the success of their program. A less auspicious fate, however, awaited the Independent Treasury Bill, framed in accordance with the theories of Van Buren. Its provisions were clear and simple: government revenues were to be placed in charge, not of banks, but of government officers, at various stations in important cities by whom they would be disbursed. In spite of the opposition of such men as Clay, Webster, and Calhoun, it passed the Senate; but in the House the Whigs, joined by some of the more conservative Democrats, organized a

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vigorous resistance and succeeded in laying the plan on the table.

In the course of this debate, also, Cushing was conspicuous on the Whig side of the House. On October 13 he made a spirited reply to Pickens, of South Carolina. As reported by Adams, Cushing must have used language which he was later to regret:

“Cushing said that if there was to be an alliance between the slaveholders of the South and the Locofocos of the North, it would not be an alliance between equals, but of masters and slaves.”

Such words would have sounded strange indeed from the lips of that Caleb Cushing who presided over the Charleston Convention of 1860. In 1837, however, Cushing was a Whig, a representative of the manufacturing and financial interests, and he spoke for New England when he defended the state banks. Once more future events have proved that he was wrong in his prognostications of evil. In operation the Sub-Treasury system was not only harmless but effective, and the disasters so ominously predicted by Clay have been shown to be the figments of an apprehensive and factious mind. As for Clay's favorite National Bank project, the House was in no mood to revive that dangerous issue, and voted that it was inexpedient to charter such an institution. It was in the course of this discussion that Cushing said:

“I am no friend of the United States Bank, nor have I ever been. But I have not been, and am not now, its enemy.”

The Special Session, which had been called primarily to push through Van Buren's measures of financial relief, had now accomplished all that it could do, and pro-

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ceeded, on October 16, to adjourn. On his way home, Cushing spent a few days at the Astor House in New York, dining out every evening with some of his friends. As he reached Newburyport once more, he must have felt some justifiable satisfaction in what he had done during the preceding weeks. He had gained steadily in prestige and influence. Seldom lacking in assurance and self-confidence, he had, nevertheless, during his first term moved only when necessary and had hesitated to take the floor too often; now, on a topic with which he had thoroughly familiarized himself, he was ready to meet all comers. It is from this period that we can detect a new note of positiveness in all that he has to say.

There can be no doubt, also, that he was gaining by his intimate relations with Daniel Webster. The two, as we have already seen, had become well acquainted during the presidential campaign of 1836, and Cushing had been able to do for Webster more than one important favor. In March, 1836, while Cushing was in Congress, Webster wrote him:

"I send you a few copies of Mr. Clayton's speeches, directed to Whig members of the legislature. As Mr. C. is my personal friend, sits near me in the Senate, & has seen fit to put a compliment to me in the end of his speech, I think it may be as well that they should pass under another's frank. There are more to come. If agreeable, I will send them also to you."

Such friendly notes as these are frequent between the two men at this time; Cushing dined often at the Webster home; and it was not long before Webster began the process of financial importunity with which he usually honored those who came into his good graces. Webster and Cushing had engaged in some land speculation, using as an agent a gentleman named Haight, from Illinois,

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who secured a large tract of territory, but, after the Specie Circular, found himself without the means to pay for it in cash. On August 3, 1836, Webster wrote Cushing:

"It is very possible that Mr. Haight may be entangled by the Treasury Circular. I think too that in order to keep out of the Treasury all the money that may be left out, the President will not allow any lands sold (at auction) this autumn in Wisconsin. All the wits of the cabinet are at work to defeat, as far as possible, the Deposit Bill."

On April 10, 1837, there came to Cushing one of Webster's characteristic appeals:

"I enclose two letters, one from our friend Haight, & one from his son, Jno. S. Haight.

I have accepted the Bill of Exchange, mentioned in these letters. It is for \$3000, and is due the 21st of this month. I was sorry to see it, on account of the very great difficulty of raising money; I did not expect it; but as the young man drew it, I thought it would be very bad for him to have it dishonored.

I have not the least doubt that the investment will prove a very advantageous one. The lands, as I understand the matter, lie on the branches of the Rock River, the choice spot of that country. Mr. Jno. S. Haight has probably not fixed their value too high, at five dollars an acre.

But I have run out of money. Other engagements have absorbed my means, and as this comes unexpectedly, I do not see how I can well meet it.

Under the circumstances, I must invoke your aid. I should be glad to retain some interest in the investment if I could as I have had a eye on the matter for some time; but if I cannot raise the money otherwise I must part with the whole.

What I have to propose is, that you furnish the 3000 dollars, and place it in the hands of my partner, H. W. Kinsman, Esq., to meet my acceptance, the 21st instant. I will then retain $\frac{1}{2}$ the interest in the lands, if you will give time till I return from my promised journey, to make out my half of the money. Or, if you prefer, I will consent that you take the whole, & I will

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transfer the receipts to you, so soon as I return. I expect to leave Boston about the 20th for the West, not to be home again before July. This expected absence makes it more difficult to manage money matters. If I could pay for the land, I certainly would not sell it for 3 dollars an acre.

Will you, my dear sir, whose good dispositions are not obstructed by the *rebus angulae domi*, consider of this matter, & let me know what you can do?

An early answer will oblige me, as I have many things on hand, preparatory to my departure. If you have any occasions leading you this way, the first of the week, I shall be glad to see you on one or two things. We were all sorry to have been away, when you called last week."

Cushing's reply to this request for funds was evidently favorable, for Webster sent him another note three days later:

"I am very glad you are willing to try to help me out with this matter of Haight's. I declare I do not see how else I shall get along with it.

My plan is, if I can make the preparations, about which I am somewhat entangled by the times, to leave Philadelphia May 1st, go to Harrisburg, Pittsburg, & to Lexington, — to be in Lexington about May 15, visiting Louisville & Cincinnati, to be at St. Louis, say June 10; then to ascend the Miss. & Illinois Rivers to Peru, thence to Chicago, & home by Detroit and Buffalo, — to reach home in July.

Everybody is going west this year. If you wish to meet large numbers of your friends, join me, at some point along our route. Col. Perkins, Mr. Mason, Chancellor Kent, & many others have suggested that they would meet me, on the lower Ohio, or upper Mississippi.

It would give me great pleasure to have you with us for as much of our tour as we could.

I shall be at home all next week after Tuesday. I should be glad to see you. Can you not come up, for a few hours? Haight's draft is due 18/21st. The 21st will be Friday, of next week.

I go to-morrow to Marshfield, to be back Monday, or Tues-

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day at farthest. Let me hope that I may see you. I have something to talk about."

Webster's western tour was a remarkable success and a striking tribute to his personality. More like a king than a senator, he was greeted everywhere with adulation and spoke before immense throngs in each city. He did not actually reach New York until July 26; and there Cushing wrote him a report of progress:

"I congratulate you sincerely upon the brilliant tour you have made in the West, & your safe return. It has been a subject of perpetual regret to me that I was unable to accompany you. I was, unhappily, engaged by my cases in court to so late a day in May, that I gave up the idea of overtaking you, or of following in the purpose to do it; and indeed the early convocation of Congress rendered it impossible for me to be absent so long from home.

Meanwhile I have not been unmindful of your interests, either at New York or in this state, when occasion offered for me to be of service. Recently I have engaged to take charge of a department of the *Journal of Commerce*, in reference to the Presidential canvass, induced to undertake it by the consideration that my situation at Washington would enable me to know your views, & thus to be the channel of useful suggestions and arguments. And in regard to this, I wish, at some convenient time after your return to Boston, to confer with you as to the details of the scheme, which is of Mr. Ketcham's proposing; & should be glad, therefore, to know whether you remain in Boston, &, if not, when you are to be found there.

I provided for your draft in a way that I hope will be satisfactory to you. \$1000 I was able to spare from my own resources. \$2000 I hired of a confidential person, on my note secured by your acceptance at 1 per cent a month discount in addition to simple interest on the note, being a little less than $1\frac{1}{2}$ per cent in all, which was then the current rate of bank postnotes. It was further conditioned by the lender that the loan should be for *six months* from April, at which time (October) he will need the \$2000; & I shall not need my \$1000

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any sooner. So that you will have no occasion for solicitude about this matter at present."

Webster, naturally grateful at this evidence of Cushing's regard, replied from Marshfield, as soon as he arrived at his farm:

"I arrived beneath my own roof this morning, and am much gratified by your friendly letter. There are many most interesting things in the West, & a very good spirit and feeling prevail, among the people. Your pleasure, I hope, is but postponed. I can sincerely advise you to spend two or three months beyond the mountains the first opportunity.

I thank you for the very favorable arrangement of the acceptance.

For the month to come I shall be principally at Marshfield. In some spot or other, however, I shall want to meet you in the meantime. Your proposed aid to the J. of C. will be of great importance. That paper has a very important influence, & ought to be so conducted as to afford a good lead.

Are you to be in Boston, or at any local in Salem, within the next few weeks? "

Cushing's answer was, like all his letters, promptly despatched and decidedly to the point:

"I reached Boston too late to meet you before your departure for Marshfield, & could not conveniently follow you thereto, although, having half a dozen things to consult you about, I should gladly have gone if circumstances had permitted.

In a fortnight from to-day, which will be at the expiration of the three weeks of which you enquire, I think of starting for the South, stopping a day or two in Boston on the way. I shall not have any occasion at Salem in the interim."

The loan which Caleb Cushing thus arranged for Webster in 1837 was but the first of a series of financial transactions between the two men, in the course of which Webster repeatedly appears as the impecunious and

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apologetic debtor. Webster, as every one knows, was constantly embarrassed by pressure from his creditors, and Cushing, although he was habitually careless in money matters, was usually sufficiently solvent to be able to furnish assistance. The intimate relations which naturally resulted linked the two friends in a nearer bond; indeed, no one could be brought into close touch with an intellect like Webster's without being profoundly affected.

Cushing's correspondence with Everett was never interrupted during this period, the Congressman relying on the Governor for the latest information regarding Massachusetts affairs. An interesting letter of September 17, 1837, from Everett to Cushing, gives some contemporary Whig views on the matters of finance then being discussed:

"I perceive nothing thorough and workmanlike can be done with the finances. They are now substantially in the state in which the President wishes them; and if he can postpone the 4th installment (about which, however, I think he does not much care), postpone the bonds, and get authority to issue Treasury Notes, Congress may go packing. I have no hope, — no wish, — for anything better. Situated as the parties and fragments of parties are, it is impossible to pass a Bank Charter, and very doubtful whether, if it passed, it would be practicable to put an institution into operation which could relieve the country. That, however, need not be discussed, for it cannot and will not pass. It is then necessary that more experiments, or if the President prefers it, more expedients, be tried; probably another tremendous crisis be gone through. I rejoice to see the schism in the Administration Party, because it prevents it from growing into an absolute, — perhaps a bloody, — dictatorship; but of itself I do not perceive that it is to help us into any sound measures. If there is any difference, I like Benton's humbug rather the best. Mr. Rives, if I understand him, proposes to restore the deposite bank system. Is not that sufficiently

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tried? Now let us try Benton's nostrum, — as the President recommends, — which is the old hoarding system of antiquity, — of the dark ages, — of Asia and Africa at the present day, — and when we have run through that, — if the leading demagogues of the day do not deem it expedient to try one more experiment with leather money, — or iron money, or couries, — or wampumpeague, — perhaps they will let us return to that system which was the last result of the civilization of the modern world, as manifested in the currency, viz., paper based upon specie, — convertible into it, — and consequently maintaining an equal value with it, in the market.

When I say I like Benton's humbug rather better than Rives', you will of course understand me as meaning in the present state of things. I look upon Benton's plan as simply impracticable and semi-barbarous. The theory of Rives, as an arrangement of finance, is unobjectionable; the difficulty is that experience has shown that it will not work.

I much regret to hear of the illness of both of our Senators. Pray make them take care of themselves. If any image of rational comfort could associate itself with Washington, it would be in such a mess as yours in E Street. Pray make my kind regards to the gentlemen of your mess."

When the twenty-fifth Congress opened its first regular session in December, 1837, there were unmistakable indications that the Whigs proposed to fight Van Buren hard. The House was hardly organized before Caleb Cushing was on his feet with a resolution "that the influence of the Executive Department had continued to increase, and ought to be diminished," supporting it with what even the critical Adams called "a long and able speech." This was merely one symptom of a belligerent spirit which animated both parties during a stormy session. Once again Van Buren persuaded the Democrats to introduce a bill for an Independent Treasury, and once again Webster and Clay hurled denunciatory epithets against the administration. The

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measure eventually passed the Senate by a close vote, but the House, as before, would have none of it, and it failed of sufficient support. Meanwhile the money received in the form of public dues was necessarily retained and dispensed by public officials, a form of Independent Treasury thus being put into practical operation. While the Whigs were prophesying the ruin which inevitably follows the establishment of any such system, the system itself was running so quietly and efficiently that it excited no comment whatever. By the spring of 1838 business was reviving, and before autumn most banks had resumed specie payments. The peak of the crisis in banking and industry had passed.

The most intense feeling of the winter was aroused, however, not by finance but by the slavery question. A precipitating cause of the trouble was at hand in the discussion over the annexation of Texas, which the abolitionists, of course, opposed, fearing that it would lead to the opening up of a vast tract of territory to slaveholders. On October 10, before Congress had opened, Whittier wrote Cushing:

"I should have answered thy letter from Washington before this had I not been looking at the adjournment of Congress. In regard to Texas, I am happy to perceive that our views coincide; and, as one of thy constituents, should be desirous of hearing from thee at some length in reference to it. A letter going into the subject at large, and giving a full and frank exposition of thy sentiments, would I am persuaded be highly acceptable to thy constituents and the public generally.

I regret to perceive that some of your N'port folks are doing all they can to drive the Abolitionists into politics. It seems to me that a most wanton attack has been made upon them. As for Dr. Spofford and Col. Adams, the Abolitionists never suspected them of Abolitionist sentiments, and we had nothing to do with their nomination, as I can prove; and I

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really think even friend Lunt ought to have more bowels of compassion than to accuse us of putting forward these men as our champions.

If agreeable to thy views, a letter on the Texas question would, I have no doubt, do good. It might be addressed to an individual, or to thy constituents generally. The sooner it appears the better."

Cushing, although he did not then look with favor on the annexation of Texas, was by no means desirous of linking himself publicly with the abolitionists by writing such a letter as Whittier requested. He did, however, notify H. B. Stanton, of the American Anti-Slavery Society, that Preston, of South Carolina, proposed to introduce a bill for annexation; and Stanton replied, Jan. 3, 1838:

"In the name of our Executive Committee, I thank you for your promptness in communicating to us this important information. We are now actively engaged in getting up petitions to the Legislature of the free states, praying them to remonstrate against this act. From Vermont and R. Island, we have got an expression worthy of their freedom. Similar expressions will also be given by Massachusetts, New York, Maine, & Pennsylvania, & I think by Ohio. Connecticut will speak in the same indignant tones unless the deed is consummated before her legislature assembles. With these protests thundering in their ears, seconded by the hundreds and thousands of remonstrances on their tables, will Congress perpetrate the suicidal deed? I think not."

Cushing, moreover, was quite ready to carry on the battle for the Right of Petition. The Massachusetts delegation, at Adams's invitation, met early in the session to consider what should be done with the many petitions already pouring in against the annexation of Texas. Caleb Cushing, like all the other Massachusetts representatives with the exception of Parmenter, agreed with

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Adams that the petitions should be presented, and that a motion should then be made to refer them to a select committee; and there was no opposition to the suggestion that Adams should make the various motions necessary for the proper reference of the documents. Adams himself, in spite of this acquiescence, was inclined to distrust the enthusiasm of his colleagues from Massachusetts for the Right of Petition. In an entry for March 7, 1838, he said of them:

"It is evident that they are all averse to any action which may countenance the anti-slavery excitement at home. Their wish is as much as possible to suppress it. Their policy is dalliance with the South; and they care no more for the right of petition than is absolutely necessary to satisfy the feeling of their constituents. They are jealous of Cushing, who, they think, is playing a double game. They are envious of my position as the supporter of the right of petition; and they truckle to the South, to court their favor for Webster."

Whatever ground for suspicion Adams may have had in some cases, he could have had none with regard to the representative from Essex North. As early as December 12, Cushing is recorded as presenting petitions from his constituents against the annexation of Texas. On January 3 he brought in eighty-four petitions against slavery and the slave trade, from voters in all sections of New England, and he submitted additional petitions whenever the rules of the House permitted him to do so. Stanton had written him from the Anti-Slavery Society:

"In this great struggle for continued independence, the friends of constitutional freedom and impartial liberty expect much from you. Your devotion to the cause, coupled with your talents and commanding influence in the House, lead hundreds of thousands to confide the advocacy of their cause

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in this momentous crisis to you. Rely upon it, the people will sustain you."

Cushing had not failed his supporters, and they trusted him implicitly.

It is estimated that the petitions for abolishing slavery in the District of Columbia presented in 1837-38 bore at least 300,000 signatures, — a decided growth from 1835-36, when petitions signed by fewer than 35,000 persons were submitted. Little was gained, however, in the way of immediate amelioration of conditions. On December 20, 1837, Slade of Vermont, complained, in a bitter speech, of the way in which abolition petitions were shelved by the House. He was repeatedly called to order; and eventually the Southern members, headed by Wise, of Virginia, left the hall in a body and held two lively meetings in the basement of the Capitol. On the following day Patton, of Virginia, introduced a "gag" resolution, which was passed, in spite of Adams's vehement protest, by a vote of 122 to 74, Caleb Cushing voting, of course in the negative,

The "gag" resolution of 1837 was destined to have sensational consequences. The Massachusetts General Court, protesting against the action of Congress, sent Cushing a series of resolutions, which he presented on January 3, at the same time announcing his determination to address the House regarding them at some future day. In the midst of the turmoil which ensued, the Speaker declared that the Massachusetts resolutions came under the operation of the "gag-rule" and Cushing was compelled to sit down.¹

¹ This incident was the occasion for Whittier's poem *Massachusetts*, — "Written on hearing that the Resolutions of the Legislature of Massachusetts on the subject of Slavery, presented by Hon. C. Cush-

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Whittier, then in Brooklyn, wrote him on January 15:

"Allow me to thank thee, as one of thy constituents, for thy movement in the House of Representatives on the 3rd inst., relative to the Massachusetts Resolutions. I deeply regret that thee did not have an opportunity to address the House. But, ought not the fact that the Resolutions of a Sovereign State, — one of the 'old thirteen,' — have been refused a hearing before the National Legislature, to awaken the people of the free states as one man? I hope & trust that Massachusetts will speak out in the voice of her past time, when her words were uttered through the lips of Hancock & Sam'l Adams.

Permit me to make a suggestion. Would it not be well for thee to address a letter to the President of the Senate of Mass., or the Speaker of the House, or to the Governor of the State, describing the treatment of the Mass. resolutions? It has occurred to me that such a representation is due to the body whose voice has been denied a hearing.

I shall be in this place for two or three weeks, and shall be happy to receive a line from thee. I regret that H. Clay should have offered any substitute for Calhoun's resolutions; on his account I regret it. If he expects the support of New England, he must be careful on this subject. If the abolitionists combine against him, his chance will be a poor one."

ing to the House of Representatives of the United States, had been laid on the table unread and unREFERRED, under the infamous rule of 'Patton's Resolution.' Two stanzas of the poem are as follows:

"And have they spurned thy word,
Thou of the old Thirteen!
Whose soil, where Freedom's blood first poured,
Hath yet a darker green?
To outworn patience suffering long
Is insult added to the wrong?

"Call from the Capitol
Thy chosen ones again,
Unmeet for them the base control
Of Slavery's curbing rein!
Unmeet for men like them to feel
The spurring of a rider's heel."

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Cushing evidently did his best to induce his colleagues to follow Whittier's suggestion that the fate of the Massachusetts resolutions should be reported to the General Court by the Massachusetts delegation; but he was unsuccessful. Whittier wrote him, January 22:

"Thy letter has just been rec'd. I am utterly astonished at the reluctance of the majority of the Mass. delegation to accede to thy proposal relative to presenting the subject of the rejection of the State's resolutions before the Legislature. What does it mean?

But may I ask, is it essential that *all* the delegation should make the communication? Would it not properly come from the member who offered the rejected resolves. It seems to me so.

In regard to errors in the Anti-Slavery papers, it has been long a matter of extreme regret, not only to myself but many others. The truth is we *cannot* get an accurate account of what passes in Congress. *We need some one on the spot.*"

Cushing wisely consulted Everett on this matter, and the Governor wrote him:

"You intimate a wish for my opinion on the expediency of your addressing to me a letter on the subject of the Massachusetts Resolves, relative to the right of petition. I do not know that you can be better counselled, than by the opinions of your colleagues at Washington. Public sentiment is sound in this quarter. Your principal motive for action will therefore be the prospect of doing good at Washington, and of this you are much better able than I to judge."

During the intense excitement over the Texas question and Patton's "gag-rule," Caleb Cushing's advisers were not all of abolitionist sentiments. Judge Wilde, his constant and thoughtful correspondent, represented another point of view. On December 26, 1837, he wrote to Cushing:

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“Your session has had a stormy opening. God grant it may not proceed with increased violence or I shall tremble for our country. And what I regret most is that our representatives of the Northern States are placed in a false position. As to the right of petitioning & the right of discussion, you know my sentiments, but the difficulty is that in support of this right our friends are considered as supporting the violent proceedings of the abolitionists, than which nothing can be more pernicious.

I marvel not at the indignation of the Southern members at such a speech as that of Mr. Slade's, taken in connection with all that has been said & done on the topic of Slavery. There must be some limitation to the right of discussion as well as to the liberty of speech & of the press. Suppose the abolitionists should insist on discussing this subject for a century to come, or until the Slave holding states shall yield; is this to be tolerated? I trust not, & yet this they threaten to do. But however this may be, it is very unfortunate that our representatives should be placed in a situation as to countenance the charge against them of encouraging these most violent & fanatical proceedings.”

A month later he seemed even more discouraged:

“Our prospects in all respects are dreary enough, & the fears I have entertained of the dissolution of the Union of the States in no very distant period are rather increased than diminished by passing events. The danger that threatens most arises from the great excitement over the question of slavery. It may be true, as you say, that the threats of the South to withdraw are not much to be feared. But is there not ground to fear that the Northern states may withdraw? If Texas should be admitted, depend upon it the slave holding states will ever after control the government, & we must submit to their dominion, or separate from them & establish a new government of our own. And is there not great reason to fear that Texas will be admitted? The vote after Mr. Slade's ridiculous speech in the House of Representatives seems to me to indicate great strength on the side of the South, & I do not wonder, since many are disposed to hold us responsible for all the sins of the abolitionists. Cannot something be done to disabuse those who thus

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think? Our representatives are surely no abolitionists, and yet with many I doubt not they pass as such, because they have been driven to advocate their petitions; & because our leader has conducted the debates with so much violence. If you can communicate any information on this interesting subject tending to remove my apprehensions, I should like much to hear from you."

Cushing shared with Wilde this distrust of the abolitionist leaders, and never allowed himself to be placed in a position where he might be considered one of them. But he did not cease to struggle for the Right of Petition. Indeed the excessive strain which he underwent during the long contest at the opening of the session was probably responsible for an illness, apparently rather serious, which confined him to his lodgings for some weeks during the very busiest part of the winter. Something of its effects can be learned from one of Cushing's letters to his father, dated March 7:

"I have yours to the 25th February. During the last five or six days, I have been sitting up pretty much all day; & yesterday being a pleasant day, I rode up to the House. This I did, although still very feeble, partly in order to attend to some business which very much required my presence, but still more in the hope that the change of scene, & mixing a little in the business of the House, would help me to throw off the apathy, & indisposition to exertion, which the debility consequent on my fever has left me in. This is now the great difficulty with me, a general weakness of body and head which prevents my writing, especially for any continuous length of time. I can but hope, however, that in a day or two I may be able to shake off this state of feeling, & be good for something again. My last five or six weeks have been past pretty sorrowfully. Towards the end of January, I made such arrangements of my business as to be able to go home immediately upon the vote being taken on the Mississippi election; but meanwhile I was seized with a sharp attack of fever, which, although partially

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subdued by bleeding, cathartics, etc., yet soon returned again worse than before; and so has left me, with heaps of unanswered letters & other business in arrears, the very sight of which is perpetual grief to me; in addition to the total derangement of my plans at home. However, I am beginning to get my ideas arranged a little; & I shall endeavor this evening or to-morrow to write you upon business matters."

The truth is that Caleb Cushing was so ill for three weeks as to require the almost constant attendance of a nurse, and that his family in Newburyport were exceedingly worried over his condition, so much so, indeed, that his younger brother, Philip, was all ready to go to Washington when more reassuring news arrived. Not until the last week in March was Cushing able once more to take his familiar seat in the House and to participate again in the deliberations of Congress.

By this date the slavery question had temporarily yielded to other issues, some of which stimulated Cushing's interest. On April 19, when his strength had fully returned, he listened to a speech by Underwood, of Kentucky, in opposition to the appropriation for the continuance of the famous Cumberland Road. Probably Caleb Cushing inherited something of his father's passion for the opening up of new territory and the discovery of unknown lands; at any rate, he was, even as a young man, fascinated by the possibilities for development on our own continent, and he could see, almost with prophetic vision, what the vast area beyond the Alleghenies and the Mississippi was to become in the not too far distant future. With this feeling in his heart, Cushing secured the floor as soon as Underwood had finished, and replied with an unusually convincing argument in favor of continuing work on that important highway which had already done so much to make the

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way clear for settlers and traders. It was his contention that, as a great landholder, the United States had the same power as any private capitalist to make road reservations or to contribute to local improvements which would augment the value of its property. He concluded his remarks with a passage which has long been quoted by dwellers in our Western States, and which is often printed as an illustration of Cushing's farsightedness:

"Sir, it may be, it must be, that the relative political *consequence* of the Atlantic States will be diminished by the prosperity of the West. Be it so. It is the natural result of the development of the resources of the country, — foreseen by our fathers, and admitted by them, as it should be by us, — to raise up rich and populous States beyond the mountains, dividing with us the national power. But I cannot suffer myself to regard this question in the limited view of mere sectional interests. It involves the greater good of the whole nation, the good of the human race. The surplus population of the Atlantic States will continue, as it has done, to sow itself broadcast over the valley of the Mississippi. Are they not still our own posterity, our brethren, our blood, and Americans like ourselves? I rejoice in the spectacle of the Anglo-American stock extending itself into the heart of the Continent, taking the place of the wild beasts and roaming savages of the Far West, advancing with, as it were, the preordination of inevitable progress, like the sun moving westerly in the heavens, or the ascending tide on the seashore, or, in the striking language of a foreign traveller, as a deluge of civilized men rising unabatedly and driven onwards by the hand of God. I rejoice to see growing up in the West a prosperous and cultivated community, daughter of the East; nor shall I rejoice the less, though she may rival the parent in splendor, — *matre pulchra filia pulchrior*. If, as may well happen, the expanding States of the West be fated to reach the remote shores of the Pacific itself, I desire to see them carry along with them the laws, education, and social improvements, which belong to the older states, so as to combine distant peoples, by the ties of mutual good-will and beneficial intercourse as well as of blood, thus overcoming the obstacles of time and space,

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and worthily fulfilling the great destiny reserved for this exemplar American Republic."

The same breadth of vision and capacity for pioneering distinguished his attitude on the Oregon question. Cushing had been instructed in this matter by his father, who was one of the first of American merchants to open a trade with the Columbia River country. In January, 1837, John N. Cushing wrote to his son:

"What do you think of proposing in Congress, the assistance of government, in establishing a settlement at Columbia River? . . . I think it is of great importance to the nation, to have actual possession on that side."

When, in May, a bill placing a government post on the lower Columbia was introduced, Cushing defended it in two vigorous speeches. His account of the early history of Oregon Territory was done with a scholarly thoroughness which proves that the turbulence and vicissitudes of politics had not impaired his skill in research or destroyed his fairness of judgment. He appeared before his colleagues, not primarily as a special pleader, but rather in the spirit of a humble seeker after truth.

Once again, on June 13, Caleb Cushing was the advocate of a wise expansion. Taking up the matter of granting preemption rights to settlers on the public lands, he urged the government to offer to actual pioneers every encouragement, material or otherwise, in its gift, and thus to open up these vast unsettled acres to their occupation and ownership. His words indicate that he had a conception of the growing greatness of his country which was exceeded by none of the statesmen of his generation.

As a member of the Committee of Foreign Affairs, Cushing had more than a passing interest in the North-

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eastern Boundary dispute¹ with Great Britain, which, always keen, had, after the seizure and destruction of the *Caroline*² on December 29, 1837, reached a stage where any casual grievance seemed likely to precipitate war. So sure was Cushing that the conflict was inevitable that he actually went so far as to write Poinsett, the Secretary of War, inquiring whether a Congressman could enter the military service of the United States as a volunteer and still retain his seat; and he was much relieved when he learned that it was quite possible to do so. Cushing had always a longing for that glory which can be won on the battle-field, and was, moreover, a sedulous student of the theory of warfare. His hopes, — if hopes they may be called, — were not destined, however, to be satisfied at this time. He offered a resolution calling upon the President to furnish the House with the official correspondence on the Maine question; he brought the matter up for discussion later in the session and talked much about the national honor; but somehow no blood was spilt, and eventually, through the conciliatory policy of the two great countries, the affair was amicably settled.

In spite of his weakened physical condition and of

¹ The Northeastern Boundary dispute involving the border-line between Maine and New Brunswick dated back to the Treaty of 1783, the language of which could certainly be interpreted in different ways. In 1827 the controversy was submitted to the King of the Netherlands for decision, but his verdict, dividing the disputed territory between England and the United States, was rejected by the Senate. By 1839 the frontiersmen in the debatable ground were almost on hostile terms.

² The *Caroline*, a vessel engaged in carrying provisions to a group of Canadian rebels on Navy Island, in the Niagara River, was seized by Canadian Militia, set on fire, and sent blazing over Niagara Falls. In the mêlée, several men were killed. This outrage was clearly an invasion of our own neutral territory by armed men under the British flag.

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another attack of illness which confined him to his lodgings during the latter part of May, Caleb Cushing was on his feet during many interesting debates. On June 8, during the discussion of a bill to take down the walls of the unfinished Post Office building in Washington and erect a fire-proof edifice, Levi Lincoln, Cushing's Massachusetts colleague, called upon him to testify to the wretched construction of the custom house at Newburyport, which had been put up by Mills, the architect on whom the attack was being made. Adams thus records the incident which followed:

"Cushing testified that the walls of the building did, like Desdemona, 'seriously incline,' not towards union, but to divorce; and that a great iron bar across the whole building had been found necessary to keep them in their bearings. Cushing was irresistibly facetious, and, while up, gave his advice to take down the embryo palace of the Treasury Department and build a plain brick republican work-house for the Department in its place."

On June 9 the second session terminated, and Cushing, weak and tired, was glad to return home for a rest. He recovered sufficiently, however, to deliver an eloquent address at the great dinner for Webster in Boston late in July. Necessity drove him also to preparations for another political campaign. His attention to the wishes of his constituents and his general record at Washington had been such as to entitle him to a continuance in office; and the Whigs, at their district convention in Andover, gave him a unanimous renomination.

From the Whigs Cushing had no reason to expect anything but loyal support. With the abolitionist group it was a different matter. A compact body of voters, they were prepared to sell their assistance to the highest bid-

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der. Whittier had written him, on July 3, from Philadelphia:

“Thy note of the 17th ultimo has been received and should have been answered ere this, — but my various duties as secretary & editor of the paper have left me no leisure. I have this week published a sketch of thy remarks, stating, however, that no full & accurate report of thy remarks had reached us. When shall we have them in full? I am very anxious to get the speech of J. Q. Adams. When will it be published? I would be greatly obliged to thee if thee would forward me a copy of it as soon as it appears.

In regard to some political queries in thy letter of last spring, touching the course of the abolitionists in the Presidential contest, I will answer briefly. The abolitionists will not lend *any* support to Van Buren. Henry Clay's ‘resolutions’ have lost him the votes of thousands. Yet even *they* will not satisfy the South. He will be pressed to commit himself entirely to the interest of Slavery. He will be required to write another North Carolina letter, a la Van Buren. A ‘veto pledge’ will be required. Now will Henry Clay do this? Our Henry Clay, — the man whom we have all loved & honored & forgiven. Will he stoop to meanness so ineffable? For my own part, I would greatly prefer him to Van Buren, — or General Harrison, — but his course in the Senate has surprised & grieved me. Our friends in Vermont & Rhode Island, Massachusetts, New York, Michigan, & Ohio are not yet wholly prepared to give him up. But a single further ‘bowing of the knee’ to Slavery will drive them from him. ‘The extra one ounce will break the camel's back.’

As it is now, Henry Clay stands tolerably well at the South. The extracts from my paper, and from the *Emancipator* commenting severely on his career have been industriously circulated at the South by his friends, in order to prove that he is regarded by the abolitionists as their sworn enemy. They have been (as I anticipated they would) of essential service to his cause. Let him, if he has any regard to his former professions, and opinions of the wise & good all over the world, — and to the suffrages of the people of the free states, — make no further efforts to conciliate the slave-holder. I say advisedly,

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— & from personal interviews & correspondence with abolitionists all over the country, — that *they will bear no more*. What, — has it come to this, that even to be a slave-holder, & a colonizationist, is not enough to satisfy the slavery interest! What then ought the *free North* to demand of a candidate for her suffrages? What ought abolitionists, — whose loves and liberties may be at stake on the issue of the question, — to ask?

Although Whittier was at this time in Philadelphia, editing the *Freeman*, he was in close touch with the situation in the Essex North District, and could not, even at a distance, resist playing politics. He and Caleb Cushing understood one another perfectly. Whittier's own honest opinion of Cushing was expressed candidly in an article in the *Freeman*, in which he said:

“He [Cushing] was not elected as an abolitionist, but his whole course in Congress on this question has been honorable to himself, — manly, open, and consistent. Whatever else the papers may say of him, they cannot accuse him of being a ‘dough-face.’ He has never betrayed his constituents, nor compromised the honor and dignity of the Pilgrim State, on the question of human liberty.”

But, as a leader of the Abolitionist Party, — if party it may be called, — it was Whittier's avowed aim to extort from the Massachusetts Congressman every concession to anti-slavery principles which could be secured by any kind of strategy short of criminal methods. When the Liberty Party in Essex North held its convention in Salem, Whittier came over from Philadelphia to help the cause. As a shrewd politician bringing pressure to bear upon a candidate, he is a less pleasing figure than as a poet of the people; but he was engaged in the very practical task of winning ground for the abolitionists, and no feelings of delicacy restrained him. Cushing, however, was determined not to be coerced. He pre-

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pared for the Salem convention a long letter in which he took his stand, as he had a right to do, on his past record. He pointed out that he had opposed a resolution declaring that Congress ought not to interfere with slavery in the District of Columbia, and that he had voted against the admission of Arkansas as a slave state, — as he intended to do in the case of Florida. He said quite frankly:

“It has been my aim to keep ever in sight the two great cardinal points: first, a devotion to liberty and equality, and an aversion to slavery in the general; and secondly, the obligation of fealty and love to the constitution, and a dutiful observance of its letter and spirit as the paramount law of the Union.”

He concluded his letter with a manly and candid expression of his desire to be unshackled by any pledges:

“I cling to my personal independence as the choicest and richest of all possessions. I will take my place in Congress as a freeman or not at all, pledged only to Truth, Liberty, and the Constitution, with no terror before my eyes but the terror to do wrong. Thus, or not at all, will I reascend the giant stairs of the Capitol.”

Caleb Cushing had nothing to conceal regarding his attitude towards slavery. His position was not only consistent but well known for he had spoken out repeatedly in Congress and on the public platform. It was not in the character of the abolitionist group, however, to refrain from pushing an advantage to the limit. Cushing sat in the rear gallery of the hall while Henry B. Stanton, one of Whittier's satellites, read this letter of Cushing's to the delegates, and, referring with a touch of unnecessary irony to Cushing's insistence on his political independence, demanded that the convention should not ratify the Whig nomination until it had be-

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fore it some more binding statement of Cushing's sympathy with the abolitionist cause. In the evening Whittier called upon Cushing, and found him perfectly willing to satisfy the wishes of the convention in any legitimate way. On the following morning, Cushing's friend, Charles Foote, sent him a note, in which he said:

"An abolitionist in my office, just now, wanted to have you informed that the failure in your letter to satisfy them, arose from ambiguity as to the question of abolition in the District. . . . You can judge whether it is worth while to meddle in this provoking nonsense. His idea is, that as the letter is still in the hands of the Salem Committee to be circulated through your district in a handbill to-morrow, you might make your meaning clear if you are in favor of immediate abolition there."

An hour later, Whittier, after conferring with Cushing, drafted a letter which, he implied, would pacify the delegates; and Cushing, when he had read it over and made some alterations in the phrasing, copied it and addressed it to Whittier. It ran as follows:

"I should regret to have any doubt remain on your mind as to the import of those points of my letter which are referred to by you. In respect to the District of Columbia, I am in favor of the abolition of slavery and the slave trade therein, by the earliest practicable legislation, regard being had for the just rights of all classes of the citizens, and I intended to be so understood.

In the concluding part of the letter, I stated that I felt bound to withhold stipulation in detail, as to my future course in Congress. But I did not design it to be understood that I entertained any desire or disposition to change my course in regard to the subjects embraced in the letter; but, on the contrary, being resolved to continue to maintain on all suitable occasions, as I have heretofore done, the principles and spirit of the resolves of the legislature of Massachusetts, appertaining to the right of petition, and to slavery and the slave trade, in their various relations."

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Cushing's readiness to meet as far as possible the wishes of the convention was naturally gratifying to Whittier, who, on that very day, wrote a friend in Lowell:

"Enclosed is a letter from our friend, Hon. Caleb Cushing, addressed to myself, in reply to a note asking some explanation in regard to one or two points in the letter sent to the Anti-Slavery Committee. I have only time to say that I consider this answer SATISFACTORY; and that the committee of the convention this morning regard it as essentially removing their previous objections, founded on certain clauses in the letter to the convention. Gayton P. Osgood, in refusing to answer our questions, is recreant to humanity and to democracy, and no consistent abolitionist of any party can hesitate as to his choice. Let the abolitionists of the 3d district then give their votes for Caleb Cushing, who has been tried and never 'found wanting' in his defense of free principles on the floor of the House. I trust no one will fail to do so. Let no aid be given to a man who, like Gayton P. Osgood, 'follows in the footsteps' of the veto pledge against emancipation."

In the election which followed a few days later, the votes of the Liberty Party in Essex North were given to Cushing, who, however, would have succeeded without them, his majority over Osgood being well over 1800. Whittier's biographer, Pickard, does his utmost to prove that Caleb Cushing was induced to alter his views in order to retain his seat; but a careful study of the existing evidence will show that the charge is ridiculous. That Whittier showed himself a versatile and clever politician is incontrovertible. But Caleb Cushing was himself no tyro in the game. While tactfully acceding to those desires of the abolitionists which did not conflict with his own convictions, he made no change whatever in his attitude towards the slavery question, and continued steadfast in the course which he had laid down for himself in 1835.

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The complete consistency of Cushing's opinions can be demonstrated conclusively by an analysis of certain votes of his early in the next, — or third, — session of the twenty-fifth Congress. On December 11, Representative Charles G. Atherton, of New Hampshire, whom Adams described caustically as "a cross-grained numskull," introduced a series of resolutions, culminating in the now notorious "gag-clause" of previous sessions. The first clause, stating simply that Congress has no authority over slavery in the states, was carried with only six negative votes, Adams being the only Massachusetts Congressman in the minority. The second clause made the unqualified assertion that petitions for the abolition of slavery in the District of Columbia were part of a plan for affecting slavery in the states; here Cushing, like all his Massachusetts colleagues, voted "Nay," but to no avail, for the resolution was carried, two to one. On the third clause, — that agitation of the question of slavery in the District of Columbia was contrary to the spirit of the Constitution, — Cushing once more was found with the minority of forty who sustained the negative. When the fourth clause was brought up, — "that Congress has no right to discriminate between the institutions of one portion of the states and another, with a view to abolishing one and promoting the other," — Cushing was recorded as the only Massachusetts Congressman to vote "Yea." The fifth and last resolution was the "gag":

"That every petition, memorial, resolution, proposition, or paper, touching or relating in any way, or to any extent whatever, to slavery as aforesaid, or the abolition thereof, shall, on the presentation thereof, be laid upon the table, without being debated, printed, or referred."

Here, of course, Cushing voted "Nay," and was thus

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again in accord with his Massachusetts associates. Cushing was certainly not extreme enough in his views to satisfy either abolitionists or slaveholders; but his logic commanded the respect even of Whittier, who was always inclined to let his emotions outrun his reason. In January, 1839, the poet wrote Cushing:

"Ill health and continued calls upon my time have prevented me from answering ere this thy letter. I have received thy address to the people of Mass. & like it exceedingly. It is manly, dignified, and conclusive in its arguments. It ought to rouse the whole state.

I rejoice to see thy movements in Congress; & should thou obtain the floor, let me conjure thee to take a high stand. Massachusetts needs a champion of her principles. Webster has lost the opportunity forever, & were I in the Legislature this year, he should not have my vote for Senator.

I am vexed at the manner in which Prentiss of Vt. behaved on presenting his state's resolutions. There was a sort of Connecticut pedlar meanness about it, which excites my disgust & contempt. I shall notice in my next paper the falsehood of the *Globe* about thy giving a double pledge to the abolitionists, by just stating the facts,—that I took the responsibility of publishing thy note, which was addressed to me as a personal favor & not to the abolitionists."

The enthusiastic abolitionists were inclined, in the case of Caleb Cushing as in that of other statesmen, to take too much for granted, and to enroll among their converts one who disclaimed repeatedly any such honor. In January, 1839, the Young Men's Anti-Slavery Society of New York invited him to make an address on "the great question of *Human Liberty*"; but he sent a somewhat cold refusal, basing his decision on the pressure of business in Washington. He made a similar reply to an invitation to speak at the National Anti-Slavery Convention, held in July, in the city of Albany. He made no

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secret of his unwillingness to be connected in any way with the abolitionist movement. Ready at any time to uphold the Right of Petition, he drew the line sharply at federal interference with the domestic institutions of a state.

In this Congressional session Cushing's most notable appearances on the floor were in the course of the prolonged discussion over the Maine Boundary dispute. On the last day of the year he submitted resolutions calling upon the President to communicate to the House any correspondence between the United States and Great Britain regarding the Canadian situation, and asked for definite information as to what had been done to settle the questions then pending between the two countries. Late in January, Cushing once more called up his nine resolutions, which, with slight modifications and amendments, were passed. On February 25, 1839, Cushing broke loose in a belligerent speech, devoted to a detailed treatment of the delicate relations between the two great Anglo-Saxon powers. He certainly minced no words in his denunciation of English foreign policy:

"Unless this all-grasping spirit of universal encroachment on the part of Great Britain be arrested, either by moderation in her councils, or by fear, the time must and will come, when her power and ours cannot coexist on the continent of North America."

It was his contention that the action of Sir John Harvey in laying claim to the Aroostook Valley and threatening to march British troops into that territory was really invasion, and that Maine, therefore, had a constitutional right to arm in her own defense. He continued his philippic on March 2, in a speech opening with an oft-quoted paragraph:

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“Without dwelling on my personal relations to this question, I desire to state here, what indeed is already notorious to everybody, that it is my fixed determination to stand by the State of Maine and the Government of the United States in the positions they have respectively assumed, at whatever hazards to myself. If the pretensions of Great Britain should unhappily force the United States into war, I shall not stop to dispute which of the two, my native land or its foreign enemy, is in the right; but I will be found in the tented field, where death is to be met, or honor won, at the cannon’s mouth.”

The conclusion of this address is a very clear exposition of a certain feeling towards Great Britain which was widely prevalent in the United States in 1839:

“It is time to put a stop at once and forever to this career of encroachments. I would have the President, if, in the exercise of his executive discretion, he sees fit to send a special minister to Great Britain, to send a minister who will speak to that country in a language of decision and firmness becoming the present attitude of the United States. I would have that minister say to Lord Palmerston, in such phrases of diplomatic courtesy as he may choose to employ, but so there shall be no mistake as to the meaning, — ‘Sir, this thing has gone on long enough. Great Britain does not possess one jot of title or right to the territory in Maine she claims. Such is the opinion of the President; such is the unanimous opinion of both Houses of Congress; such is the opinion of the whole people of the United States. The claim, set up on the part of Great Britain in the spirit of encroachment which distinguishes her acts upon this continent, and pursued by contrivances and pretexts which are so signally dishonest that they would consign a private individual to disgrace, *must be relinquished*. The affair has reached a crisis irreconcilable with the continuance of your pretensions, and the continuance of amicable relations. The United States are devoted to peace, and deprecate the calamities of war between them and a people allied to them by blood, and by all the ties of a close and beneficial intercourse; but they cannot and will not submit to have Great Britain presume that she may seize, at will, upon the territory of the Union. Be not

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self-deceived. This is the true state of the question between us, and on you who raised and have persisted in it, — on you, in the face of God and man, does the responsibility for the issues of it rests.’ ”

The measure which Caleb Cushing supported authorized the President, in case of invasion, to call for 50,000 volunteers and to issue a loan of \$10,000,000. It was passed by both House and Senate; but Van Buren was too cautious a statesman to use this power without making every effort to achieve a peaceful settlement. Recognizing the violence of passion engendered in Maine and New Brunswick, he attempted to allay it, at the same time approaching Great Britain in a manner which smoothed the way for the negotiations which Webster was later to bring to so happy a conclusion.

Disputes over slavery and the Maine Boundary occupied a large part of the winter of 1838-39. But the startling defalcation of Samuel Swartwout, Jackson's appointee as Collector of the Port of New York, gave the Whigs an opportunity of which they were bound to make the most. Caleb Cushing, among others, spoke in satirical vein of this dark blot upon the Democratic record. In March, Cushing was seriously ill, being confined to his room for over three weeks as a consequence of one of the severe colds with which he was so often afflicted during the winter season. He was obliged, therefore, to remain in Washington for some time after the close of the session on March 4, and it was not until well into April that he was back in Newburyport, greeting his friends and fulfilling the numerous speaking engagements which practically every public man at that period had to meet.

As usual, Cushing had a busy, though diversified, summer. Some important legal cases absorbed a good

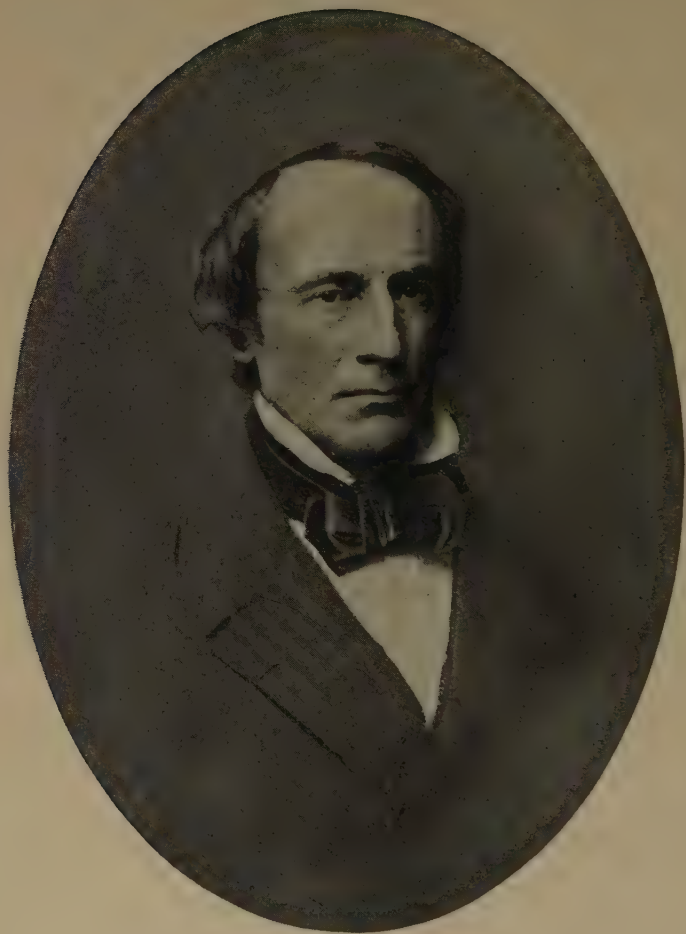
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portion of his time, but he also found the leisure for the preparation of lectures. On July 4 he delivered at Springfield, Massachusetts, a commemorative address in the course of which he went out of his way to voice his opinion of slavery as an institution:

“Slavery consigns the Southern states to perpetual weakness, foreign and domestic, and to perpetual discontent; whilst liberty fills the North with men and with riches.”

In language which might have been used by Garrison or Whittier, he denounced human servitude as “a moral and political evil,” involving a future which “cannot be contemplated without anxiety.” This oration was published in a thirty-two-page pamphlet, and aroused much interest, especially in the Northern press. In July, Cushing also spoke the annual Phi Beta Kappa address at Harvard College. In the autumn he underwent the drudgery of an itinerary of political speeches at Bradford, Lowell, Lynn, and other places in eastern New England. On November 21 he was in New York City, delivering the “Introductory Lecture” before the New York Lyceum, at the old Broadway Tabernacle; a week later he was in Hartford, addressing the Institute in that city. Nor were these more than a few of his many engagements. Always he was traveling through his district, with his ear to the ground, listening to the pulsations of political sentiment; and he was in correspondence with public men throughout the country, getting in readiness for the struggle to come in the next Congress.

Caleb Cushing arrived in the capital on December 1, just in time for the opening of the twenty-sixth Congress on the following day. He had already engaged rooms at “Mr. Hart’s,” on the corner of 12th and F



Caleb Cushing in 1839

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Streets, somewhat farther from the Capitol than he had ever been before, but with a congenial group of associates. He found that he was to occupy seat 53, at the right of the Speaker and well towards the front, — an excellent position from which to address the House. In the Massachusetts delegation were many of Cushing's old colleagues, including Adams, Levi Lincoln, George N. Briggs, Calhoun, Saltonstall, and Lawrence. In the House itself Cushing was sure to be a conspicuous member. With the experience of two terms behind him, he now had full confidence in his powers, and his familiarity, not only with Parliamentary procedure but also with all significant current problems, made him a dangerous antagonist in any debate.

It was some days, however, before the House was even organized. The seats from five New Jersey districts were contested by two sets of claimants, one Whig and one Democratic. When Garland, the Clerk of the preceding House, in the course of established routine called the new body to order, he asked whether he should pass over the disputed names until the roll had been completed. The matter was of much importance; for, if the Whig claimants, who held certificates from the Governor of New Jersey, could be kept out until the House was organized, the Democrats would control its organization, elect a Speaker, and form the various committees. Many hours were wasted in fruitless debate, Caleb Cushing being frequently on his feet, trying to bring order out of chaotic confusion. On December 5, John Quincy Adams, the Nestor of the House, with characteristic courage took the daring but necessary step of offering to put the various resolutions himself, the Clerk having refused to do so. Adams was duly made Chairman of the "meeting," and remained in

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that position while the House balloted for Speaker. There ensued a period of several stormy sessions, during which one after another trial of strength was taken. At last, on the eleventh ballot, R. M. T. Hunter of Virginia, later one of Cushing's few intimate friends, was chosen, and Adams was allowed to resume his regular seat, after having won the respect of even his political foes. In connection with the excitement over this episode, Edward Everett wrote Cushing from Boston, December 20:

"We are all greatly pleased with the election of Speaker; that is, pleased *sub modo*, which, I suppose, is all that can reasonably be expected in the case of a sub-treasury Whig. It is an amusing illustration of the caprice of politics that a gentleman, who is known only as a friend of the Sub-Treasury, should be elected by the joint vote of the Whigs, who regard that measure as the worst of an administration all of whose measures are bad, and of conservatives who, being friends of the administration, have seceded on the Sub-Treasury:—if I rightly understand the composition of the vote by which Mr. Hunter was elected. But I am sure it was the best thing, or it would not have been done."

Everett's letter makes it clear that contemporary opinion was looking forward to another fight over the Sub-Treasury issue. In his Annual Message of December, 1839, the persistent Van Buren once more recommended an Independent Treasury, and the Democrats were this time determined to push on to a triumphant conclusion. Once more the bill passed the Senate, in spite of Clay's impassioned and Cassandra-like opposition, and came to the House, where the administration party had now a clear majority.

Meanwhile the anti-administration men in the House had already begun their contest. In February a bill was

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introduced in the House, continuing the operation of the Treasury Note Bill of 1837, and thus allowing the issue of Treasury Notes up to \$5,000,000. On March 12, Caleb Cushing replied at length to Jones, of Virginia, Chairman of the Committee on Ways and Means, which had reported the measure. In his speech, which was a formal attack on the administration, Cushing began by saying that he was confident that the country, after the next 4th of March, would be in different hands, and that he could see, in the future, "a brighter Aurora dawning upon the nation." Himself the advocate of a direct loan instead of an issue of notes, he nevertheless censured the government for the increased expenditure, especially in connection with the civil list, under Jackson and Van Buren, — an expenditure for which he blamed the Democrats. He attributed to the Jackson and Van Buren administrations a "blighting effect" upon commerce, and declared that, under them, the powers of the general government had been unduly enlarged. Cushing's speech, while vigorous, was doubtless too obviously partisan to have any influence on the deliberations of the House. For his purposes, he abandoned the spirit of scholarly research which he had sometimes kept, even in the heat of political debate, and allowed himself to become a strong party advocate. He was an ardent special pleader, aiming at one object, — to overthrow the existing government.

On March 24, the Democrats, unwilling to be blocked any longer by the filibustering of the Whigs, determined to sit out the Treasury Note Bill, and whenever a Whig moved to adjourn, he was voted down. Meanwhile the Whigs gradually slipped away to other places of rest and diversion. The long night slowly dragged along, the Democrats pressing every advantage. As the cold day

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dawned, the Sergeant-at-Arms appeared with a group of drowsy absentees in his custody, who were obliged to account for their withdrawal. One by one the delinquents gave excuses, like so many penitent school-boys: one was "too unwell to sit up"; a second pleaded weakness of the eyes, and the injurious effect on them produced by the glare from so many candles; another was suffering from a severe pain in the side; still another felt "that his health, as well as his morals, required his being in bed at a seasonable hour." Cushing, one of the last to be called up, had no excuse to give; he stated simply that he had gone home to go to bed, expecting to be sent for if his vote was wanted; and he denied that he had ever been properly in the custody of the Sergeant-at-Arms. Like the others he was discharged upon payment of the required fees, but not without much protest. The prolonged session did not adjourn until five o'clock that afternoon, at which hour the Democrats abandoned their attempt to push the measure through by sheer force. Two days later, however, the bill was passed by a vote of 110 to 66. As a matter of fact, opposition to the measure was not only useless but inadvisable. Between 1837 and 1843 treasury notes were issued under eight different acts, and this method of raising funds was so simple and successful that the Whigs were themselves glad to adopt it when they came into power.

This, however, was only a prelude to the real battle. The formal debate on the Independent Treasury Bill opened on May 20, on the motion of Atherton, of New Hampshire. Caleb Cushing at once took the offensive with a motion to strike out the enacting clause. Having thus secured the floor, he then invited Atherton, or any other advocate of the measure, to speak on the merits of the question; but, finding the Democrats reluctant to

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start the debate, he proceeded on the following day to talk for six and one-half hours in condemnation of the bill, both in principle and detail. Describing the Independent Treasury as "an executive idea and an executive measure," recommended by the President repeatedly in his messages, he pointed out that it had actually been used for three years, and that the administration was apparently determined to put it legally into effect, regardless of its evil or good influence. To the fact that Van Buren had insisted on putting the scheme into operation he ascribed the recent financial disasters throughout the country. Cushing's argument was unusual in that it laid more emphasis on economic than on political considerations, — although he did not altogether neglect the latter. After rehearsing all the well-known criticisms of the scheme, he read the resolutions of the Massachusetts General Court, passed March 30, 1838, and signed by Governor Everett, assailing the bill as one which "is hostile to our genius, and may be destructive to the permanence of our republican institutions." Cushing's speech was long; but it was said that no one wished it shorter. He had made himself the spokesman of the Whigs.

For the time being the Independent Treasury Bill was the outstanding issue in American politics. "It involved," says Shepard, in his thoughtful analysis of Van Buren's policy, "a profound and critical issue, which, since the foundation of the government, has been second in importance only to the questions of slavery and national existence and reconstruction." Nearly every man of ability in the House had something to say on the doctrines involved. When Cushing concluded his argument, Lowell, of Maine, was promptly on his feet to defend the measure, and on the following day Atherton

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himself rose to answer specifically some of Cushing's objections. Brockway, of Connecticut, contended that the bill, in operation, would "wither and blast the interests of the New England states,"—that it would "bring ruin upon the manufacturer and reduce the laboring men to starvation." Hunt, of New York, declared that it would "make war upon the great business interests of the country." But these dire prophecies of impending disaster only fixed the more firmly the determination of the bland and triumphant Democrats. The debate lingered on. Some curious statistician estimated that the whole time occupied by the disputants was 157 hours and 30 minutes, of which the thirty-three who spoke for the opposition consumed 98 hours. Their labors, however, were in vain. On the last day of June the bill finally came up for a vote, and passed, 125 to 107, Adams and Cushing being recorded, of course, in the negative. In its final form the act provided that the Treasurer of the United States should "keep all the public moneys which shall come to his hands in the Treasury of the United States," and that mints and certain custom houses should be places of deposit. It also required that there should be a gradual increase in the proportion of government dues paid in specie until 1843, in which year all government dues must be paid in hard money. The plan thus laid down was, with some modifications, in operation for many years, and, it may be added, proved to be eminently practical and safe.

The great debate on the Independent Treasury Bill had covered four separate sessions of Congress. Passed by the Senate in the extra session of 1837, it had been shelved in the House, and the exultant Whigs had paraded at midnight, carrying a coffin inscribed "Sub-Treasury," which they had tossed contemptuously into a

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canal. Now the measure had become the law of the land, and was signed by Van Buren, not without visible pride and elation, on Independence Day, at noon. Benton, the staunch advocate of hard money, gave on the same day a toast at a banquet, in which he described the institution of an Independent Treasury as "an act of independence from the government of money corporations." The ceremony of signature was hailed with bells and cannon; and in the evening the Democrats in their turn marched about the capital with a coffin, celebrating the resuscitation of the Independent Treasury, so basely murdered three years before.

Caleb Cushing was doubtless wrong in his opposition to the Sub-Treasury project. But his attitude, while assumed very largely in consequence of his natural party antagonism to Van Buren and the Jackson clique, had also been based, to an extent not always realized, on the feeling that the withdrawal of money from the various state banks would be fatal to the prosperity of his own section of the country. It will be recalled that, when the deposits had been removed by Jackson from the Bank of the United States, they had been placed in certain state banks, which had been instructed to lend the money freely. The Independent Treasury plan would obviously deprive these state banks of the benefit of the government deposits. In the minds of many people, Caleb Cushing became identified at this time with capitalistic interests with which he had no real connection.

As soon as the bill had passed, the question of a suitable title for it arose, and Cushing, in what Adams called a "cutting speech," ironically proposed an amendment, designating it as "an act to enable the public money to be drawn from the Treasury without appropriation by law." He at once drew fire from Pickens, of South Carolina,

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who said that the contest just concluded had been one between the great *laboring and landed interests* of the country and those identified with *capitalists in stocks* and living upon *incorporated credit*:

“I thank God that the hour of our deliverance is now so near from a system which has wrung the hard earnings from productive industry for the benefit of a few irresponsible corporations. . . . Well may the gentleman [Mr. Cushing] who represents those interests cry out and exclaim that it is a bill passed in force by fraud and power, — it is the power and spirit of a free people determined to redeem themselves and their government.”

At this point, cries of “Order! Order!” were raised by members of the opposition, and great confusion prevailed. Pickens, undeterred, went on to say that Cushing and his capitalist friends must feel “like wolves who have been driven back from the warm blood they have been lapping for forty years.” So violent did the disorder then become that the Speaker had to ask the Sergeant-at-Arms to clear the aisles. Cushing’s amendment was duly rejected, and the Democrats, although even then in the shadow of imminent disaster, proceeded to enjoy their short-lived victory.

The Independent Treasury Bill, as we have seen, absorbed much of the time of the session, but the issues connected with slavery and with the right of petition could not be avoided. The standing committees of the House had hardly been announced before Wise, of Virginia, tried to secure a suspension of the rules in order to introduce a stringent “gag-resolution.” Thwarted by the failure to obtain the necessary two-thirds vote, the Southerners resorted to various subterfuges for making the “gag” a standing rule of the House. After much wrangling and a repetition of the violent scenes which

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had taken place whenever the subject was brought up, Adams moved a substitute to Wise's resolution, providing that every petition should be received unless objected to, and that the reason for the objection should be entered on the Journal. Finally W. Cost Johnson, of Maryland, moved to strike out all of Adams's resolution after the word "Resolved" and to substitute the following:

"That no petition, memorial, resolution, or other paper praying the abolition of slavery in the District of Columbia or any State or Territory, or the slave trade between the States and Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

This amendment was passed by a vote of 114 to 108, — Cushing, as usual, voting in the negative, — and became the notorious "Number 21" of the standing rules of the House.

Caleb Cushing improved every opportunity for the presentation of petitions from Massachusetts. On February 5 and April 13 he brought a large number to the attention of the House. There was, of course, a question as to what should be done with the numerous petitions that came pouring in. Whittier wrote him on February 5, from Philadelphia:

"It seems to me that the true course in reference to the petitions is to send them back, or retain them, and to address your constituency on the subject. Try Parmenter & Williams, & see if they are among those whom Peck of N. Y. justly calls 'refugees.' See whether they will unite with you in an address. Something of the kind is certainly due to the petitioners. . . . Pray let me hear from thee whenever convenient. As a son of Essex, I feel an interest and a pride in her representative."

On February 3, Cushing suggested that Adams call a meeting of the Massachusetts delegation to discuss what

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should be done with their petitions; and two days later they assembled. In spite of Adams's wish to present abolition petitions on that day, the remainder of the delegation voted as a body to offer at that time only "business petitions," — not those having to do with slavery, — and Adams acquiesced in the decision. In general, however, Cushing was found regularly supporting Adams in every matter connected with petitions against slavery.

It would be both impracticable and undesirable to cover the entire field of legislation in which Caleb Cushing took part during this session. He participated in virtually every important debate, and was heard with interest if not always with sympathy. As a member of the Committee of Foreign Affairs, of which Pickens, of South Carolina, was then Chairman, Cushing was rapidly becoming an authority on international affairs. Early in the session he proposed a resolution calling on the Executive for information regarding American relations with China, which was adopted and in reply to which Van Buren sent to the House a considerable amount of correspondence. On March 16, he spoke at some length, defending the Committee of Foreign Affairs against the charge that the American government would be likely to join with Great Britain in forcing on China "the odious traffic in opium." It was at this time that he began that study of China and her interests which was to be of such value to him later in his career. He prepared a long speech on the subject of the China and South American trade, but there was no opportunity for delivering it, and it was thrust into a desk drawer until it could be used four years later. He reported, on May 14, a bill, "for carrying into effect a convention between the

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United States and the Mexican Republic," which, after the usual investigation, was rapidly pushed through.

It is unfortunate that not more has survived in the way of anecdotes about Cushing in these days. We know that he was sitting very close to Rice Garland, of Louisiana, and Bynum, of North Carolina, when they had their first encounter on April 21, and that he tried to intervene between them. Adams in his *Diary* records an incident, trivial enough in itself, but evidence of a feeling of tension between the two champions of the Right of Petition:

"I presented to the House, in behalf of Daniel Raymond, a copy of his book on Political Economy, and moved that it should be deposited in the library; which was ordered. Cushing came to my seat and said he had thought of opposing the reception of the book. I asked 'why'? He said he thought it an improper method of advertising the book. I said, 'Well, make your motion'; but he did not."

There is, of course, much that is amusing and interesting in his correspondence for this period. One of his constituents in Bradford wrote, inquiring about the truth of the story that Van Buren dined off gold plate in the White House, and promising, if it could be confirmed, to convert two hundred Van Buren men to Harrison. Cushing's solemn and cautious reply can hardly be read to-day without a smile:

"In regard to the kind of plate used at the White House, I really am unable to state anything specific of my knowledge; because, though I have repeatedly dined with the President, I have bestowed no particular thought or attention on the materials of the table utensils, being more intent, probably, on the company, & the entertainment itself, than the furniture. Hence I possess only very general impressions relative to this point. At the same time, I ought in frankness to say further, that, if I had definite knowledge on the subject, I should not be willing to make, for political purposes, any statement as to this,

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founded on my own observation as a guest at the President's table; because to do so would, it seems to me, be in some sort a violation of due regard to the relation of hospitality, without observing which there could be no courteous intercourse between the President and myself. I may add that the furniture of the White House is provided by Congress; and of course Congress rather than the President personally is responsible for the amount of public money expended in this way."

One episode of this period is highly creditable to Cushing's generosity of spirit and forgiving nature. His ancient enemy, William Lloyd Garrison, whose conduct towards Cushing had not been characterized by either kindness or courtesy, had, in 1839, a favor to ask, and accordingly addressed him as follows:

"Though we do not agree, precisely, as to the principles and measures of American abolitionists, yet of one thing I am quite certain, — viz., your readiness to confer a favor upon any of your fellow-citizens who may solicit such at your hands. Hence my freedom in making the present application.

Enclosed is a letter from me to the Secretary of the Navy, requesting the discharge of my brother, James H. Garrison, from the naval service. He has been about sixteen years in the service, but is now an invalid. His last enlistment was on board the U. S. ship *Columbus*, at the Navy Yard in Charleston, rather more than four months since. During nearly all this time, he has been on the sick list, wholly incapacitated to perform any labor. His disease is a difficult one to cure, if it be not immedicable, — it being a fistulous abscess affecting the spine, etc. Through the kindness of Com. Downes I have been allowed to procure for him such medical treatment, and pay him such attention, as his case demands, and a brother's affection will prompt. As he is (and likely to be for an indefinite period) a mere bill of expense to the government, it cannot be an object to the same to retain him in the service. It is, however, a somewhat difficult matter, usually, to get seamen discharged; and therefore it is that I trouble you with the accompanying letter, requesting you to deliver it personally into

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the hands of the Secretary of the Navy. Perhaps all this is needless, — perhaps my letter to him would alone be sufficient; but I wish to make ‘assurance doubly sure,’ on account of the affection I feel for my brother, and my great anxiety for his welfare. For the last sixteen years, I have not enjoyed his society a single fortnight, until his present illness. He is anxious to get his discharge, and has signified his wishes to the Secretary in my letter.”

Garrison’s confidence that Cushing would return good for evil was not misplaced; for, although the latter was not the representative from Garrison’s district, he so pushed the matter that Garrison soon received a letter from Secretary Paulding, telling him that the case had been referred to Commodore Downes. Garrison wrote in reply:

“I offer you my grateful acknowledgments for your kind interposition to obtain the discharge of my sick brother from the navy; and also for your letter of the 28th ultimo, wishing to know whether any further difficulty stood in the way, that you might interpose for its removal. I should have written to you at a much earlier period, had his case been settled; but it was not until Saturday that I was able to procure my brother’s discharge, and then accompanied by such conditions as induced me not to accept of it, until I could hear from the Secretary of the Navy again. . . . I verily believe it is far easier to get a Southern slave manumitted at the South, than it is to get a seaman discharged from the U. S. Navy.

I am sorry to trouble you with this matter again; but as you have so kindly renewed the offer of your services, I make free to ask you to see Mr. Paulding, and use your influence with him to effect a just and amicable settlement of the case.”

Responding to this appeal, Cushing once more intervened with Paulding, with a success which enabled him to write Garrison within a few days:

“Replying to yours of the 6th, I have called again on the Secretary of the Navy, and he said he would reconsider the

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whole matter; and I think he is now satisfied that your brother's absence with you was a mere technical violation of the law, and involved no injury to the service, and that he will give such additional orders as to close the case in the manner desired. But if otherwise, please to let me know, and I will press him further on the subject."

So effectively did Cushing exert himself in the matter that it was only a few days before James H. Garrison was honorably discharged from the service and allowed to go to his brother's home.

Cushing and Whittier had certain common intellectual interests which kept them on friendly terms, even when they were sparring for an advantage in politics. In August, 1839, the poet invited Cushing to take a trip with him by boat "along the romantic coast of Maine" to Nova Scotia, and the Congressman would have gone if he could have broken away from his speaking engagements. In September of that year Whittier wrote:

"As to Garrison's comments, let them pass. Thy remarks on the woman question probably irritated him, and he threatens thee with the vengeance of the abolitionists of Essex Co. at the next election in consequence. The *abolitionists* have other matters to attend to, — and as all the women's rights folks are non-resistants, *they can't vote against thee*. By the way, it amuses me sometimes to see how my non-resistant friends belie in *practice* their *peaceable* theory. Practically they are the most belligerent class I know of. They remind me of the bandy-legged smith in Scott's St. Valentine's Eve. 'They slander me,' said that worthy, 'who would make thy daughter Catherine suspect the *quietest* burgher in all Perth of being a brawler. I wish the best of them would say such a word on the hill of Kinnoral, & never a man on the green but he & I.'"

It is impossible to print more than a very few of the many letters which passed between Edward Everett and Caleb Cushing while the latter was in Congress. The

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two scholarly men, one on Beacon Hill and the other in Washington, came to rely upon one another for accurate information as to what was going on in their respective capitols. Each recognized the ability of the other. On February 15, 1837, Everett wrote:

“Let us have your last speech as soon as possible, of which report speaks so goldenly. I cordially congratulate you on all your successes.”

Again, on September 27, 1839, the Governor said:

“I beg leave to return you my best thanks for your oration at Springfield. It is one of the very few productions of this class, which can lay claim to the epithet ‘instructive.’ I wish your example may prevail with future orators, and induce them to leave the beaten path of patriotic sentiment, & devote themselves to the discussion of important substantive topics.”

In the fall of that year came the famous contest between Everett and Marcus Morton, a Democrat, for the Governorship. On December 9 Everett wrote Cushing:

“The opinion continues here, that there is no choice of Governor by the People, & that the Whigs have elected a majority in the two houses. The Council meets to count the Senatorial votes to-morrow, so that in a week’s time that part of the matter will be ascertained. I have myself some doubts (prompted, perhaps, by my wish, as an individual, that it may prove so), whether Judge M. be not elected by the People. Nor do I hold it to be *certo certius*, that, supposing no choice by the people, the ultra liberal Whigs will not be so tampered with in the House, as to fill the vacancies in the Senate, in a manner to affect the Whig preponderance in that body. But let this be *entre nous* for the present.”

Everett was correct in his apprehensions. Morton was elected Governor by one vote, in a total of more than a hundred thousand. On January 14, 1840, he wrote Cushing with regard to the result:

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"The day of mere technical questions, even in applying constitutional rules, has gone by in the most conservative of states, to wit, Massachusetts. A half a dozen returns are accepted by the Joint Committee of the two Houses on the gubernatorial election, which are deficient in legal & Constitutional form. Not a return is rejected,—a thing which probably never happened before. There is no doubt that the report of the Committee will be accepted by the two Houses, & that Judge Morton will be declared elected by the People."

Four days later Judge Morton was inaugurated; and Everett wrote Cushing a brief note:

"This day for the first time for more than 15 years I am a private citizen. My successor was sworn into office at noon."

Everett had been in public office since 1824, having served five terms in Congress and four terms as Governor of Massachusetts. Now he was ready to rest. In June, 1840, he sailed for Europe; in 1841 he was named as Minister to the Court of St. James; and, when he returned to America in 1845, political conditions had so changed that he and Caleb Cushing were in different political camps.

The long and tiresome session of 1839-40 did not close until July 21, by which date Washington, as usual, was like a seething furnace. But even the heated capital was cooler than the boiling caldron of partisan politics. The Whigs, well-organized, carefully disciplined, eager, and optimistic, were looking forward to the passing of their time of famine. Their national convention at Harrisburg, in December, 1839, had aimed at "union and harmony." Clay was, of course, a candidate, and received a plurality on the first ballot. But the prize he so coveted was not to be his. Sentiment gradually swung to a more "available" man, and the crown fell upon the

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head of General William Henry Harrison, the great hero of a little war. The important honor having been assigned, the delegates rather hurriedly, — as most such conventions do, — selected John Tyler, of Virginia, to fill the second place on the ticket. The convention wisely avoided framing a political platform, but contented itself with praising the personalities of the nominees.

The campaign thus launched soon became a wild race to "shout and sing" the Whig ticket into office. The Democrats, assembling in Baltimore in the following May, named Van Buren and Johnson, assumed a confident air, and were inclined to ignore and scorn the "hard cider" and "log cabin" demonstrations to which the Whigs were resorting. But the Whigs had learned something from Jacksonian democracy. Professing to rely on the COMMON PEOPLE, they taunted Van Buren with the charge of aristocracy. Moreover the Whig enthusiasm, contagious and unquenchable, had already stirred the nation, especially the young men. Even in the more restrained eastern states the ardor of the Whigs was having its effect, and careful observers could foresee the landslide of the coming autumn.

As for Caleb Cushing, he had never liked Henry Clay, and Clay's deposition in favor of Harrison was cause for rejoicing. Cushing was himself a young man, and he threw himself with energy into the campaign. By February, he had ready an address to his constituents on the public services and career of General Harrison. In preparing a larger and revised edition of this address, he secured the assistance of Harrison himself, who took the trouble to explain in detail some of the technicalities of his earlier military operations. When the book appeared, it was a fairly complete biography of the Whig leader, published under the title *Outlines of the Life and*

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Public Services, Civil and Military, of William Henry Harrison, of Ohio. Printed in the spring of 1840 by Weeks, Jordan, and Co., it had a wide circulation, being distributed as a campaign document at the rate of \$48 a thousand. The pamphlet was not at all discreditable to Cushing's literary fame; and, if the valiant warrior of Tippecanoe was lauded effusively, we may be sure that the praise was bestowed more discreetly than in most similar eulogies.

Indeed Caleb Cushing was prepared to make any sacrifice for Harrison's success. In March and April, while occupied with House business, he wrote letters to the *National Intelligencer*, refuting certain charges which had been advanced against the General's character and military reputation. Beginning in early September, he started a schedule of stump speeches, which took him all over New England, not only in his own district but even into the remoter sections of the Berkshires and the White Mountains. He was in constant demand, and occasionally was obliged to meet three engagements, each in a different town, on the same evening, being driven from one to another by fast horses.

Cushing's efforts to secure a Whig victory led him to attempt to convert even Jacksonians to the cause of Harrison. In the Newburyport *Herald* for August 12, 1840, was published a letter from Josiah Caldwell, of Ipswich, to Cushing, repudiating Van Buren and all his works, together with Cushing's naturally sympathetic reply, in which the latter gave a succinct summary of his political creed. He insisted that the Independent Treasury Bill was "the only prominent measure of public policy" passed by the Van Buren administration; and, after emphasizing the weakness of that act, he continued with an argument to show that Jackson had always dis-

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liked a Sub-Treasury, and that former Jacksonians, like Caldwell, were therefore behaving with consistency when they opposed Van Buren and his pet financial measures. Cushing's letter was both tactful and shrewd, and, because of its plausible argument, helped to reduce the Democratic vote in Essex North.

Caleb Cushing, indeed, had never been more popular in his own district. On August 28, a warm and delightful midsummer day, his constituents tendered him, in the manner of that period of American history, a huge public reception and dinner in Newburyport. After a Whig business meeting in the Court House, a procession of more than six thousand people marched to Brown's Square, where a stand had been erected. The speakers were Caleb Cushing himself, Joseph Kent (for whom Maine, to the surprise and joy of the Whigs, had just gone "hell-bent" for Governor), Nathaniel Saltonstall, and Daniel Webster, who was present at Cushing's earnest personal request. At two o'clock the procession was re-formed, and, under the escort of six companies of militia, paraded to the Bartlet Steam Mills, where, in the upper hall of that newly erected building, a dinner was laid for eighteen hundred people, probably the largest banquet of any kind ever held in Newburyport. There followed the usual long succession of post-prandial speeches, that of Webster being especially felicitous. Cushing was greeted with a long continued burst of applause. Every speaker mentioned his name with praise. No one was astonished when, at the district Whig Convention at Haverhill, he was unanimously renominated for Congress from Essex North.

The Whig campaign of noise and song proved to be irresistible. In an outburst of mob psychology the country, weary of Jacksonism, showed its eagerness for

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a change. The "news from Maine" which so elated the Whigs in early summer was followed by similar tidings from Pennsylvania and New York, until "old Tippecanoe" had rolled up an electoral vote of 234 to Van Buren's 60. Caleb Cushing, at his own election, received a majority of 2400 over his chronic rival, Osgood. His steadily increasing vote indicates in a very definite way the pride which was felt by his district in his brilliant record and enhanced reputation.

What Caleb Cushing was thinking in this hour of triumph for himself and his party may be learned in part from a letter which he sent to General Harrison on November 28, from New York:

"I beg leave, in the first place, to congratulate you, and still more to felicitate the country, on the glorious result of the late canvass for the Presidency. It is a triumph most honorable to yourself, and a just tribute to your life, character, and public service. And it is a victory which speaks not less loudly for the right judging sense of the majority of the people of the United States, who have thus delivered the nation from its oppressors, and the Constitution from its violators, and imparted, as I fully believe, a new vitality to the free institutions of the American Republic. Long may you live to enjoy the respect, confidence, and affection of your countrymen.

But I should not have troubled you with merely a letter of congratulation, had I not been impelled, by what I see and hear about me, to write to you for a more important object.

I have been shocked and grieved to find this city, during the last week, the scene, not of speculation only, for that might well have been anticipated, but of presumptuous and arrogant assumption, in regard to your selection of the great officers, to be associated together, under your direction, in the business of the Federal Government.

Elected to the Chief Magistracy by such an overwhelming majority both of the States and of the people of the States, you will enter upon a field of public usefulness, and possess therein a scope of choice in the matter of official appointments

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greater than has fallen to the lot of any President since General Washington.

Entertaining the most implicit trust in your wisdom, discernment, integrity, and patriotism, I have but one wish to express at the present time touching the organization of your cabinet; and it is that you may find it convenient to be at Washington in ample season to look abroad over the entire Union from that, the common center of political intelligence and the highest spot of political observation, from which to survey the ground. With the means of information accessible to you there, I feel sure that, out of the multitudes of competent men in the ranks of your political friends, you will see how to constitute an administration worthy to aid you in the discharge of your momentous duties, and assuring in advance to your measures the approbation and good will of every section of the United States.

I entreat you to pardon my freedom in making these suggestions, which are submitted to you in the spirit of hearty confidence and regard, induced by no other incidental notion except the consideration of my own share of public responsibility in what has already been accomplished, and in what may devolve on me as a supporter of your administration in the next Congress."

At the same time Cushing wrote a letter to the *North American*, in which he intimated that Harrison was certain to pick one of his cabinet from the New England states. It is quite possible that Cushing was looking forward to a place in the cabinet as a reward for his labors, and the daily press, with its frequent mention of his name for this post or that, undoubtedly encouraged his ambition. It was also suggested in many quarters that he would be an acceptable Minister to either France or Spain. Indeed Cushing had ample reason for believing that Harrison's regard for him was very high.

Without any effort on his part, moreover, Cushing found himself, in January, 1841, one of the candidates for United States Senator from Massachusetts, at the

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election by the General Court. Whittier wrote him on January 6:

“Since writing thee I have had but little opportunity to ascertain the views & feelings of Massachusetts in regard to the question of Senators.

I have heard thy name, J. Q. Adams, Isaac C. Bates, Gov. Lincoln & Gov. Everett mentioned. My own opinion is that the friends of Lincoln and Bates will make a strong fight.

Neither of these men can fill the places of Webster & Davis.

Besides, as to Gov. L. his singularly malapropos speech in the Palace matters, which the *Globe*, *Richmond Enquirer*, etc., published with so much satisfaction, *ought* to be remembered, — and, if the Whigs are true to themselves, will be. If a politician stretches a point & makes his veracity questionable, for the sake of his party, he may be forgiven; but when in the abundance of his courtesy, he volunteers his services to the enemy, his politeness looks not a little like treachery. For myself, I am an abolitionist. I want a man who, at least, is not afraid to defend his constituents and vindicate the insulted honor of his state. I am a son of Massachusetts also, — proud of her old glory, — jealous of her fame, — & looking back over her Senatorial representatives, I see ‘there were giants in those days,’ & I would not have their mantles fall upon unequal & feebler shoulders.

Then as to thyself personally. True there is a noble field in the House of R., — but a field for what? For toil & sleepless vigils, — feverish anxiety, — for labors which would break down the health of a giant. Before six years are expired, these labors may give thee a place in the National Cemetery, & a eulogistic column in the *Nat. Intelligencer*! No, my advice is to make the most of the present. By one effort now, place thyself in the Senate, the highest office, save one, in the people’s gift, — and a Senator from Massachusetts, too! It may not be in thy reach hereafter, — new parties, — new combinations, — new men even may rise up. The question of Slavery alone will yet agitate Massachusetts to the center. The 1500 Liberty votes at the last election are ominous. They will be more than doubled at the next.

To thy inquiry whether thee should not ‘leave events to

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shape themselves' — in this election, — I would say that events are always shaped, — and it is generally our own fault if we do not shape them right. My idea is that if thou art willing to try the election, thee should let a few of thy confidential friends *know* it. Of course thee knows who to trust fully and unreservedly.

My own resources are at thy command, as far as I can do anything. Ill health confines me mainly at home, though I have some idea of visiting Boston about a fortnight hence."

In spite of Whittier's advice, Cushing took no active steps in the matter of the Senatorship. At the Whig caucus, he received several votes on the first ballot, but Isaac C. Bates was far ahead of the other candidates, and was named on the second ballot, with Levi Lincoln running well behind him. Bates was shortly elected to the full six-year term, to succeed John Davis.

There was still another Senatorial vacancy, caused by Webster's resignation, which took place on February 22. For some weeks before this, however, it had been known that Webster would accept the position of Secretary of State in the Harrison administration, and gossip had been rife as to who would take his place in the Senate. On January 28, Cushing's friend, S. G. Goodrich, wrote him from Boston:

"I do not think the loco leaders will find any ready response among the people, to their virulence against the new Administration, before it is tried. Its difficulties will come some year or two hence, &, with a view to these, it is most important that all our wise men should exercise their wisdom to the utmost. In this regard, the appointment to fill the expected vacancy in the Senate becomes a matter of interest. A few weeks since, Mr. Lawrence seemed the prominent candidate, but a feeling that we needed a strong man there, strong especially in debate, led to the consideration of other candidates. Mr. Adams was discussed in this light; but the question arose, — What has he done upon the great question? Has he not been

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skirmishing & fighting on his own hook, rather than for the cause of the nation? The answer to this was not satisfactory. Yourself and Mr. Saltonstall & Mr. Lincoln were all brought on to the stand, & were pronounced necessary where you are, as our strength in the House must not be weakened. Mr. Choate was then brought forward, & he was thought competent to sustain the pride & honor of Mass. in the high station. It now appears most likely that he will be chosen. It would be well enough, perhaps, for yourself, to let it be understood & stated privately, if not publicly, that had you been at home & out of Congress, you would have been a leading candidate. And there is force in this: the people think that you are a power where you are, & are disposed to let well alone. Gov. Everett has some friends who are urging him for the Senate, but I do not think it will go very far. If the choice was to-day, Mr. Choate would get two-thirds of the vote. We do not quite understand why so strong a pressure is made upon us from Washington in favor of Mr. Adams. Has he ever signified his approbation of Harrison? Would he, if placed at the head of the Committee of Foreign Affairs, for instance, act harmoniously with Webster? Have we any pledges that he would throw his weight where the majority of Mass. would place it?"

On February 8, Whittier, who was always on watch in the political game, wrote Cushing from Amesbury:

"It is now strongly rumored in this vicinity that Boston has decided upon Rufus Choate, — and that *as a matter of course* he will be elected. Previous to the receipt of thy last, I called upon the editor of the *Herald*, and in cursory conversation gave my views relative to the Senatorial election.

Being in correspondence with Dr. Bartlett, I have presented some reasons on this subject which I hoped would have weight in his mind, and doubt not will induce him to urge thy support among his fellow members.

I have no definite facts which could afford any clue to the final result. If thou art in direct correspondence with members of the legislature, they will not fail to apprise thee of the turn which things are taking.

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The friends of Saltonstall will, I fear, act the part of the dog in the manger. Their candidate is out of the question; & some of them will be unwilling that 'so young a man as Mr. Cushing' should succeed. However, a very short time will determine the matter.

Would it not be better, in case thy friends see no good prospect of success, to throw their influence in favor of J. Q. Adams rather than a younger man, who would be likely to be reelected at the expiration of Webster's term? It seems to me so.

For myself, I see no reason for the election of Choate. What has he done for the party? What for Massachusetts? He has been acting upon the advice of honest Iago, — 'put money in thy purse'; and left thyself and others to peril health, property, & reputation in the long & stern struggle which preceded the late Revolution. And now, forsooth, the old war-tried veterans are to be set aside, to allow this 'carpet-knight' to enjoy the spoils! If Choate is elected, it will be done through the jealousy and miserable envy of some of the would-be Whig leaders, — men who have watched thy progress into popular favor with no small degree of disquietude and who whenever compelled to do something like justice to thy public services, invariably speak of thee as 'young and ambitious.'

For these men, however, much allowance should be made. Foiled, defeated, and disappointed in their expectations, — unsatisfied with their place of public office and honors, — and some of them already fallen into the autumn of life, — it requires a great degree of Christian grace to prevent them from repining and murmuring when they see young and new men rising into the places which they had once hoped to fill themselves. Forget and forgive these frailties of our common humanity."

In spite of Whittier's support and of the backing of some influential friends, Caleb Cushing was not destined to be a Senator of the United States from Massachusetts. Whittier wrote him, February 24:

"I suppose ere this thee hast heard that our new Senator is to be Rufus Choate. He is a man of talents and high character;

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but what particular service he has ever rendered the Whig Party, I am not able to say.

The *Boston Post* says that 'Mr. Cushing goes to France.' Is it so? Should thou be inclined to spend a year or two abroad, thy old friends in Essex North will stand ready to place thee again in the H. of Rep. whenever it will comport with thy wishes. Who will go as Secretaries and *attaches*?

What will be Gen. H's policy in regard to removals from office? Will he hunt up all the little six-penny office-holders in the country, out-Herod the old Herod of the Hermitage? It is so rumored, but I will not believe it.

Our little post office in this village is under the care of I. Jackson, & is conducted with strict fairness and to the entire satisfaction of everybody. It would be impossible to find a man in the place so well qualified as he is; and I sincerely hope that the simple fact of his voting for V. B. will not be the occasion of his removal. He has for the past six months said and done little in politics.

Thee will find '*Merrimack*' in the last *Knickerbocker*. In the last stanza there is a slight gram. error, — 'saw' should take the place of 'seen.'"

While these rumors of possible advancement were being circulated, Caleb Cushing was playing his usual competent part in the House, which met, on December 7, 1840, for the short session. Very little in the way of real business was accomplished, however, beyond the voting of the indispensable supply bills. The jubilant Whigs made no secret of their intention to repeal the Independent Treasury Bill at the next Congress. Cushing, meanwhile, was recognized as a House leader, and was frequently paid the compliment of being called upon to preside as Chairman of the Committee of the Whole. With Preston and John W. Jones, he was appointed a teller for the counting of electoral votes. He was made Chairman of a Committee to notify Harrison of his election.

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Several months before, his old and trusted friend, Edward Everett, about to sail for an indefinite period in Europe, had written Cushing:

"I look with confidence to a change of administration (State and National) next fall. In bringing about this result, your spirited and indefatigable labors in diffusing a knowledge of Gen'l Harrison's services, with your vigorous exertions to expose the misgovernment of the day, will have essentially contributed. You have my best wishes that your participation in the triumph may be proportioned to your share in the battle."

And indeed, as General Harrison, on that chilly morning of March, 1841, rode his spirited white charger down Pennsylvania Avenue, Caleb Cushing, watching the ceremonies, might well have dreamed of realizing his highest aspirations. Only a few months over forty-one years old, he was in the fullest physical and mental vigor. As a consistent and faithful adherent of the Whigs in a time of famine, he was justly entitled to a portion of their prosperity. We have told his story but poorly if it has not been apparent that he had grown steadily in wisdom and power since he first entered the national councils. He was well-known as one of the ablest of the younger orators. Webster, his intimate friend, was to be Secretary of State, and Cushing, as Adams noted in his *Diary*, was more in the confidence of Webster than any other member of the Massachusetts delegation. Furthermore Cushing was personally on excellent terms with General Harrison, and could expect to be taken into his confidence. Altogether Cushing must have felt that the sun of good fortune was about to shine along his pathway. Never was ambitious statesman more rudely awakened from a vision of assured success.

CHAPTER EIGHT

CAPTAIN TYLER AND THE CORPORAL'S GUARD

"Then to side with Truth is noble when we share her wretched
crust,
Ere her cause bring fame and profit, and 'tis prosperous to be
just."
LOWELL, *The Present Crisis*

Harrison had hardly set foot in Washington before the horde of Whig office-holders descended upon him like hungry vultures, and the old man, wearied with the campaign and the week's uncomfortable journey to the capital, found himself with neither seclusion nor quiet. At the inauguration he was exposed for some hours to inclement March weather; and his vitality was further drained by the almost unending series of interviews which he was too courteous to deny to his well-meaning but importunate friends. For a time, however, he bore the ordeal with uncomplaining patience, displaying an independence and coolness of judgment which amazed even his admirers.

The break with Henry Clay, which many Whigs had anticipated and for which Caleb Cushing had doubtless secretly hoped, was not long in coming. Cushing was probably disappointed not to receive the place in the cabinet which it was rumored he was to have. Clay, however, had refused to become Secretary of State, and Harrison had felt bound to name Webster for that position. It was then obviously impossible to include two Massachusetts men in the list of cabinet appointments, and Cushing's chances at once vanished. Although

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Clay himself declined to serve in the cabinet, two of his satellites, John J. Crittenden and Thomas Ewing, were named as Secretary of the Treasury and Attorney General respectively. Clay early evinced an unfortunate tendency to dictate to Harrison, and the latter, even before the inauguration, had been reluctantly driven to express his displeasure at Clay's domineering tone. The President actually went so far as to notify Clay that the latter must make his communications in writing, lest frequent personal interviews "give occasion for remark, or excite the jealousy of others." Indeed, if reports may be believed, Harrison rebuked Clay in no ambiguous words, — "Mr. Clay, you forget that I am the President." At any rate, Clay, before leaving Washington in March, sent a farewell letter to Harrison, expressing his mortification at the turn which events had taken. Clay, always arrogant, had expected to control the administration patronage and dominate its policies; and this rebuff was not a palatable draught to swallow.

Meanwhile Harrison, anxious to repeal the Democratic measures of the preceding year, issued a call for a special session, to open May 31. Before that date arrived, however, the President, weakened by fatigue and worry, contracted pneumonia. As he lay on his sick-bed, there were many to wonder what would happen if he did not recover. Whittier wrote Cushing, April 3:

"It seems Gen. H. is quite ill. What would become of the Whigs under Tyler, with his ultra Southern notions of public lands, tariff, banks, state rights, etc., if the President should not recover."

Before this letter was in Cushing's hands, Harrison was dead. One month after his triumphal inauguration, the first Whig Chief Executive was gone, leaving his

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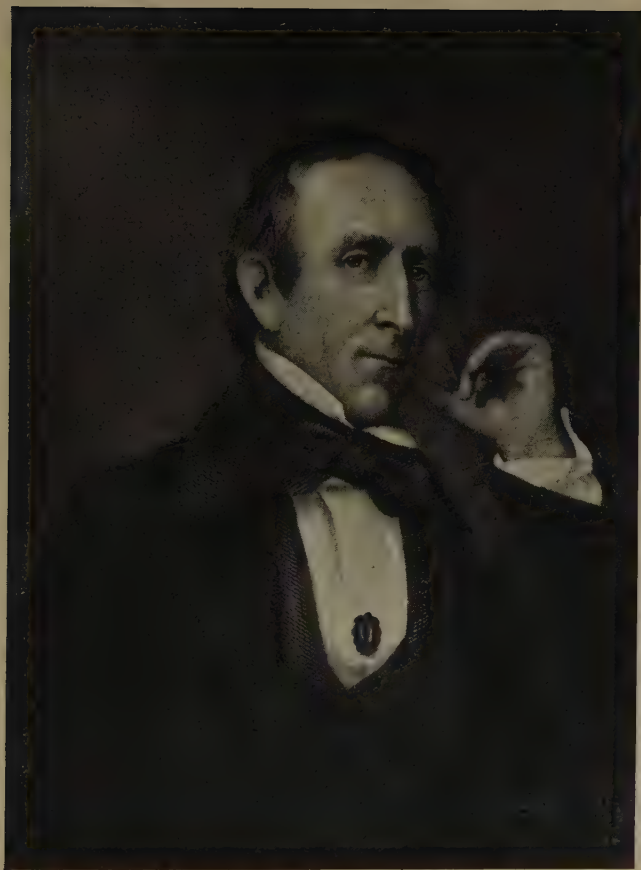
successor heir to a legacy of party strife unparalleled in our national history.

John Tyler,¹ of Virginia, the Vice-President, who was enjoying the coming of spring at his Williamsburg estate, hurried at top speed to Washington, took the President's oath, and called the cabinet together. As no President before had died in office, there were no precedents as to what he should do. But for the moment he retained Harrison's cabinet and acquiesced in the call for an extra session. His message of April 9, to the people of the United States, was couched in conservative language and indicated that he would be sound in his Whig principles.

Nevertheless there were many who, in the deep recesses of their hearts, had their misgivings. On the morning after Harrison breathed his last, Adams called on Caleb Cushing, whom he found at his lodgings, dining in solitude:

"He has postponed his departure to visit his home until next week. Conversing with him on various political topics, I

¹ John Tyler, born at Greenway, Virginia, March 29, 1790, graduated at William and Mary College, served in his state legislature and in the House of Representatives, was Governor of Virginia, and, in 1827, succeeded John Randolph as United States Senator, being re-elected in 1833. During this period he opposed the protective tariff, internal improvements, the United States Bank, and all restrictions on slavery. When, in 1836, the legislature of Virginia adopted resolutions instructing the senators from that state to vote in favor of the motion to expunge the censure of Jackson from the Senate Journal, Tyler, as a matter of principle, resigned, and settled in Williamsburg. He was the Whig candidate for Vice-President in 1836; and in December, 1839, at Harrisburg, he received the nomination for the same office on the ticket with Harrison. Tyler, as everybody in political life knew, was a rigid State Rights Democrat, who had been enrolled, through his antagonism to Jackson, in the Whig Party. Cushing had known Tyler in a social way, but had never been very intimate with him.



John Tyler

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found him doubting what will now be the principles of the Administration substituted for that of General Harrison, and very reserved in his expression of his opinions."

Cushing, who had to some extent staked his future on the election of Harrison, had naturally good reason for despondency, and many letters from him to his friends indicate how greatly he was perturbed. On April 6, he wrote Daniel D. Barnard, of New York, suggesting the propriety of having the more prominent Whigs make a public demonstration of their confidence in the "Whig principles and purposes" of Mr. Tyler. But such an expression of faith would have been merely a futile gesture. As Cushing, and every intelligent Whig in Washington, knew, John Tyler was almost a fanatic on the doctrine of State Rights, a thoroughly honest and consistent strict constructionist of the old school. In the violent anti-Jackson days of the "30's," Tyler and Clay had been swept into the same political fold; but few men could have been further apart in their theories of government. Clay had had his troubles with Harrison, but they were mild compared with those which he was destined to have with John Tyler, of Virginia.

The clash, even if postponed on other issues, was bound to arise over the matter of a Bank of the United States. Clay was determined that a bill for the establishment of such a financial institution should pass, being convinced that it would carry him into the Presidency as Tyler's successor in 1845. Tyler, on the other hand, had never ceased, even during the fury of his opposition to Jackson, to express his misgivings as to the wisdom and constitutionality of such a bank. He had fought its re-charter under Jackson, and his mind was not of the changeable type. Indeed Tyler, in spite of a certain superficial vanity, garrulity, and complacency, was by no

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means a weakling. Partisan historians have placed him among the feeblest of the Presidents; but his will was as firm as Clay's. He, like Clay, was eager for the leadership of the Whig Party, and he occupied in the White House an unmistakable "point of vantage." He would feel no lasting regret at the discomfiture of his "mighty opposite."

After Harrison's death, Cushing lingered to attend the funeral, but soon afterwards returned to Newburyport, where he delivered a brilliant and moving eulogy of the Whig President.¹ He was kept busy disclaiming any desire to secure an office under the new administration. On April 21, he wrote John S. Pendleton:

"It having been intimated to me by a common friend, that you entertain the idea that I may possibly have a view to the Spanish Mission, I write to say that such is not the case. Consulting as well my own taste, as the interest of my friends, both those in the government and those among the people, whom I might have the means of serving here, I decided, after having been re-elected last autumn, to remain contentedly in Congress. And in order that any influence proper to my place in Congress should continue to me, unimpaired by the supposition of the desire on my part of personal favor from the Executive, I declared my resolution in this respect publicly in the House, as also privately to members of the Government. Rumors to the contrary, and the suggestions of the newspaper press, have been volunteer acts of the much-curious public, which often knows more of our plans than we ourselves know. I feel most gratefully sensible of the kind opinion involved in these reports, but they have not proceeded from any wish or purpose of mine."

¹ One of Cushing's female friends wrote him regarding this address, — "I enter a complaint against you, that you did not make us weep; that with such a superabundance of capital, you did not work us up to the very highest point of feeling. . . . I want to ask if the habit you have cultivated of repressing outward emotion is so fixed that it is impossible for you to exhibit the marks of simple and true feeling?"

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Cushing, indeed, had convinced himself that for the next two years at least his real duty lay in the House of Representatives. He had his own theories as to the responsibility of the Whig Party, some of which he discussed in a letter written on April 17, to Barnard:

"Since I wrote you last, you will have seen in the newspapers various authentic manifestations, by the acts and deliberations of the President, including his Inaugural, of the conformity of his opinions & policy to that of the Whigs.

On one point, he is more precise and definite than Gen'l Harrison was, — I mean, in requiring Executive office holders to refrain from electioneering. He told me to-day that he should as promptly apply this theory to the case of any of his own appointees, as to others belonging to the party of the late Administration. In being the opposite of the policy of Mr. Van Buren, if in nothing else, there is for this idea the presumption of right.

But it seems to me an important consequence follows. Who, heretofore, has occupied *vantage ground* before the people in political questions? The Executive office holders, the conductors of the Press, and the popular representatives. But hereafter the first class cannot act. In that event, the business of politics seems to be devolved exclusively on the other two, and particularly the last named class. Is it not so? And does not the new order of things devolve upon *us* new duties, and also new *powers*?

I cannot but think that we have got to assume a more active and more responsible part than heretofore, in the organization & impulse of the machine of party.

Meanwhile I feel persuaded that, to us, it is above all things important to put off the question of the Succession; to hold ourselves independent in regard to it; to occupy the first year or two in consolidating the party, in adopting the great measures of recuperation & relief which the country needs, in righting the ship & putting her once more on her course; and in this initiatory period of our powers to abstain from all the causes of personal discussion growing out of the Succession. Sufficient for the time is the business thereof. Hereafter, in due

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season, we can grapple with the question of the Succession safely; but now it would only produce dissensions and internal weakness as well as external assailability.

It is the common good of all of us to see the country well governed. It is (after that) the interest of the younger class of politicians that the older ones shall not wreck themselves, & us too, by the premature agitation of the great ulterior question."

Among all its advisers the Whig Party was not likely to find saner counsel than this. Even at this early date, it can be seen that Cushing was suspicious of Clay, who was already preparing to be the indispensable Whig candidate in 1844. Just how far Cushing had determined to go with Tyler cannot be definitely ascertained, but he had evidently resolved that Clay should not altogether dominate the Whig policies as he had done in the past. Cushing was shrewd enough to see that the party must acquire unity and discipline if it expected to continue in power.

Cushing's name was mentioned in many quarters for the Speakership of the incoming House of Representatives. W. L. Parmelee wrote him from New York, April 10:

"I perceive by some of the papers that you are, either with or without your consent, a candidate for the Speaker's chair. . . . My own opinion is that you have more reputation, or fame, rather, to win on the floor of the House than in the Chair; but I will not go counter to your wishes if you will apprise me of them. I have conceived for you that sort of respect and attachment which would cause me to be most pained if you were to run unsuccessfully."

The position of Speaker did not, at that moment, loom very large in Caleb Cushing's mind. His friends, it is true, encouraged him to believe that he would be drafted

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into that place. Paul R. George,¹ a faithful reporter of current political gossip, wrote him, — "Your name in connexion with the Speakership magnifies as I find from rivals and friends."

But whatever secret aspirations Cushing may have had in May, 1841, were dissipated by another sharp and painful attack of illness, which prostrated him for three

¹ Paul R. George, of Concord, New Hampshire, who was then about forty years of age, was one of the most picturesque political adventurers of that generation. A shrewd, clever, and not altogether scrupulous observer, he knew every great man of his time at Washington and corresponded regularly with such men as Marcy and Pierce. In 1835, when Cushing first took his seat in Congress, he met George and found him useful as a means of securing information. He obtained for him some government sinecures through which George secured a modest livelihood. He wrote Cushing, May 11, 1841, — "Entirely & devotedly to my friends shall my time be, until the close of this session, & long after I hope to be able to repay the kindness & obligation I feel to your truly generous conduct towards me. Permit me to assure you, I cannot well express to you, but feel and appreciate your favors." In the spring of 1841, however, George was without a position, and he was much pleased when Cushing helped him to get an appointment as Naval Storekeeper in Brooklyn, where his most important task seems to have been to keep the Administration forces intact in that section of the country. Cushing, while despising George's sycophancy, seems to have tolerated him, and to have paid some heed to his advice, which was poured out in long, poorly-spelled, and sometimes incoherent letters. That he was a good interpreter of events in politics may be judged from a letter of his to Cushing, June 10, 1841, in which he said, — "I grow stronger in the opinion that among the people the U. S. Bank will be a load upon us that we should be cautious in taking. We are safe beyond question without it. . . . Clay is savage, & it seems to me almost crazy upon the subject. . . . Tyler wants friends, and invites them where he thinks it will do. He will *veto* a bank, if he can get sufficient wisdom for a substitute. This contingency would kill Clay dead." In 1853, William L. Marcy wrote of George, — "He made a very favorable impression on me. He is a man of more than ordinary capacity, — a good judge of men, with a ready discernment of their motives of action. I have found him steady in his views and personal attachments, active, and efficient. I regard him as a reliable man, and have given him my confidence, esteeming him entirely worthy of it."

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weeks and gave his family much anxiety. He recovered barely in season to reach Washington for the first day of the extra session, where, still pale and weak, he could do little more than sit quietly in his chair. The opening days were tranquil enough. With their substantial majorities in both House and Senate, the Whigs apparently had everything their own way. John White, of Kentucky, was chosen Speaker on the first ballot. When the standing committees were announced, Cushing found himself named as Chairman of the important Committee of Foreign Affairs. Adams, who considered himself entitled to this post, was much irritated over this appointment and never forgave Cushing; but he learned later that the assignment had been made at the particular request of Webster, who, in his position as Secretary of State, preferred Cushing, whom he trusted, to Adams, in whom he had no confidence.

Outwardly in the Whig Party all was harmony. But a volcano was raging beneath the surface calm. Clay, acting as party leader, outlined his program for the special session, emphasizing a bill for a new Bank of the United States. Meanwhile Tyler, who had been doing some thinking of his own and had resolved to be something more than a mere ornamental figure-head, was discussing the situation with his own inner coterie, particularly Beverly Tucker, and had apparently determined just what kind of a bank proposal, if any, he would accept. Thus, when the extra session opened, the stage was set and the actors costumed for one of the dramatic battles of American politics. There was obviously no room in the Whig camp for two such ambitious men as Clay and Tyler. One must inevitably yield to the other.

It was quite certain that Henry Clay had no intention of deferring to the President. In the Senate, where he

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could personally spur his adherents on to action, progress was rapid. On June 2, Ewing, the Secretary of the Treasury, recommended in his message a bill for a National Bank, — “but one so conceived in principle as to remove all scruples touching the question of constitutional power.” Five days later, Clay made a speech in which he designated six important matters to be disposed of. The first two items were the repeal of the Independent Treasury Bill and the incorporation of a National Bank. The remaining four dwelt with plans for raising an adequate revenue, for distribution of the proceeds of public land sales among the states, for making necessary appropriations, and for modification of the banking system in the District of Columbia. It must be understood that Clay made this announcement without consulting Tyler's wishes or requesting his criticism.

The bill for the repeal of the Independent Treasury was pushed forward rapidly in the Senate. Tyler's position on this question had been unequivocally stated in his message, in which he said, — “The existing sub-treasury system . . . has recently been condemned in a manner too plainly indicated to admit of a doubt.” Meanwhile the House had been lingering on the road, and had consumed sixteen days in a petty struggle over rules of procedure. Finally Cushing, who was certainly justified in urging the Whigs to action, expressed his impatience, with the vigor of a trained parliamentarian, in an able speech:

“I say that it is our fault if this House be disorganized. We are in the majority, — we have a majority of forty, — and we are responsible to our country, to the Constitution, and to our God for the discharge of our duty here. It is our duty to proceed to the organization of the House, to the transaction of the business for which the country sent us here. And I appeal to the Whig party on this floor that they do their duty, — that

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they act manfully and expeditiously, and *that*, however the House may organize, under whatever rules, or under no rules at all; for I am prepared, if this resolution be not adopted, to call upon the Speaker for the second reading of a bill from the Senate, now upon the table, and to move that we proceed with it under the parliamentary law. We can go on under that. We are a *House* with a speaker, clerk, and officers; and whether we have rules or not is immaterial. We can proceed as the Commons in England do. We can act upon bills by referring them to a committee of the Whole on the State of the Union, or to select committees, if there be no standing committees. And I am prepared, if the House cannot be organized under the proposition now before us, for the purpose of testing the question and enabling the country to see whose fault it is that we do not go on with its business, to call at once for the action of the House upon that bill under the parliamentary law. Once more I appeal to the Whig Party, for party lines, I see, are now about to be drawn; I appeal to the Whig Party, to the friends of the administration, — and I recognize but one, and that is the administration of John Tyler, — that is the administration, and I recognize no other in the United States at this time; I appeal to the administration party, to be friends of the administration of John Tyler, that at this hour they come to the rescue of their country, and organize the House, under whatever rules; because, if we do not, we shall become, as we are now becoming, the scorn, the contempt, of the people of the United States.”

Cushing's defiant public declaration of allegiance to Tyler was his first important step in his progress in opposition to Clay. Webster, in accepting the State Department and continuing in it, had joined himself with Tyler, and Cushing stood by Webster's side. The President had already in private shown signs of resentment at Clay's arrogance in presuming to make himself responsible for the legislation of the special session, and it was both natural and courageous in Caleb Cushing to announce where his sympathies lay. For the moment,

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however, his insistence on Tyler's leadership of the Whigs aroused little comment. The repeal of the Independent Treasury Bill was carried in both Senate and House by a decisive vote, and the President quickly signed the measure. The victorious Whigs thus effaced, as they thought, forever, the one important legislative act of Van Buren's administration.

With the introduction of the second feature of Clay's program, — the reëstablishment of a Bank of the United States, — the troubles of the Whigs really began. Secretary Ewing, having been formally asked by Congress for a plan of national finance, recommended a bank, with a capital of thirty million dollars, to be regularly incorporated in the District of Columbia, but with the express stipulation, — in concession to Tyler's well-known constitutional scruples, — that branches should be located in the various states only with the specific consent of each state concerned. With regard to the mooted matter of constitutionality, he said, with much wisdom:

“If such an institution can be so conceived in principles and guarded in its details as to remove all scruples touching the question of constitutional power and thus avoid the objections which have been urged against those heretofore created by Congress, it will, in the opinion of the undersigned, produce the happiest results.”

On the events which followed it is necessary to dwell somewhat in detail because they so profoundly affected Cushing's political career. Ewing's very sensible report was referred in the Senate to the Select Committee on Finance, of which Clay was Chairman, and a bill was presented providing for a “Fiscal Bank” along the lines specified by the Secretary, but ignoring the requirement regarding the assent of the states. Everybody knew

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that John Tyler, of Virginia, could never sign such a measure without retracting all his pet theories of government. Even Clay, in spite of all the pressure which he knew so well how to apply, was unable to force his plan through the Senate, and was finally constrained to offer an amendment, specifying that the agreement of each state should be assumed unless its legislature definitely refused such consent at the next standing session. This clause, which had already been submitted to the President by one of Clay's henchmen, the notorious John M. Botts, had been indignantly repudiated by Tyler, who declared it to be "a contemptible subterfuge, behind which I will not skulk." In this revised form, however, it was driven through the Senate and the House and sent up to the President. Tyler was neither a procrastinator nor a craven. He shortly returned the bill to Congress with his veto.

Tyler's objections ought to have startled no one, for they were entirely consistent with his earlier political views. He said that the bill was unconstitutional in that it created a bank to operate over the whole country. He protested, also, because the plan did not limit the bank to the power of dealing in exchange. But the main obstacle in his mind was the fact that the sovereign rights of the states had not been sufficiently secured. Tyler's argument was that of a "strict constructionist" combating once more the doctrine of "implied powers." As an exposition of the State Rights position, it was complete and forceful.

Even Henry Clay must have realized that Tyler would veto the bill. Already the two men were openly at odds. As early as April 15, Clay had intimated, in a letter to Beverly Tucker, that he had suspicions of the attitude of the President towards the Whig United States

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Bank. Before the session was well under way, the two protagonists in the drama had an interview, in the course of which the President, who had a pride in the dignity of his office, told Senator Clay to go back to his end of Pennsylvania Avenue, on Capitol Hill, and keep to his own business. They never exchanged words again, except at a convivial party in August, when, we are told, they had, over Kentucky whiskey and champagne, a momentary reconciliation which Adams rightly called "false and hollow."

Clay, no longer the noble advocate of compromise, had indulged in threats. Writing to James Lyons, he had said, — "Tyler dares not resist. I'll drive him before me." Now he found himself dealing with a man whom no one could drive. The rage of the baffled Whigs burst all bounds. On the evening of the veto message, a crowd of "lawless resolute" gathered in front of the White House to voice their anger in hoots and catcalls, some of them going so far as to ring the door-bell and unhinge the gates. Clay himself completely lost his temper. Letting his irascibility obscure his common-sense, he argued in the Senate that the popular command had been so genuinely demonstrated that Tyler should have obeyed it, — by signing the bill, by allowing it to become a law without his signature, or by resigning. A man was indeed blindly partisan who could interpret the Whig landslide of 1840, — accomplished without a platform or a statement of principles, — as a victory for a United States Bank.

Caleb Cushing had voted for Clay's "Fiscal Bank"; but he could readily understand Tyler's veto and he was prepared to respect his scruples. Indeed by mid-summer Cushing had become one of Tyler's intimate friends and confidential advisers. As to the motive which led Cush-

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ing to choose Tyler in preference to Clay, we are not in much doubt. Webster had frankly taken Tyler's part in the quarrel, and Webster's conduct had, at this period, a powerful influence on Cushing. Furthermore, Cushing had for years had little faith in Henry Clay and his political principles. Perhaps more important still was the fact that Cushing's legal mind could not help appreciating Tyler's argument and resenting the autocratic methods by which Clay aimed to accomplish his purpose. That Cushing hoped for some personal advancement through his adherence to Tyler is possible; but it is altogether improbable that this expectation was in any way a vital factor in his decision. He must have realized that, in abandoning such a party leader as Clay, he ran much risk of sacrificing the success which he had labored so long to obtain. To the impartial investigator Caleb Cushing seems to be a thoroughly honest man, with the courage of his convictions, choosing what presented itself as the right course of action.

Senator Clay, in his fury at the veto, had said in one of his speeches:

"There is a rumor abroad that a cabal exists, — a new sort of kitchen cabinet, — whose object is the dissolution of the regular cabinet, — the dissolution of the Whig party, — the dispersion of Congress without accomplishing any of the great purposes of the extra session, — and a total change, in fact, in the whole face of our political affairs."

When specific inquiries were made regarding the members of this "low, vulgar, and profligate cabal," Clay could only answer:

"I said there was a cabal formed for the purpose of breaking down the present cabinet, and that the cabal did not number a corporal's guard; but I did not say who that cabal was, and do not mean to be interrogated."

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What Clay had in mind was the little group of staunch Tyler Whigs in the House of Representatives, — a group of which Caleb Cushing was, by this time, recognized as the leader. Among those with whom Cushing was thus identified were the fiery Henry A. Wise,¹ of Virginia, the talented Thomas W. Gilmer,² who later, while Secretary of the Navy, was killed by the explosion of the big gun on board the *Princeton*, in 1844, and Dr. Frank Mallory,³ also from Virginia. Besides these three ardent Virginians, there were also W. W. Irwin,⁴ of Pennsylvania, and George H. Proffit,⁵ of Indiana, — young men, like Cushing, and devoted to Tyler. They

¹ Henry A. Wise (1806–1876), a Jacksonian who turned against that leader in 1833 on the Nullification issue, became a Whig member of Congress, serving there for six successive terms. In 1841, although only thirty-four years old, he had acquired a reputation as a vigorous partisan. He had a stinging tongue, which, in the various debates over slavery, brought upon him the wrath of the truculent Adams. Wise, who was a fanatical opponent of abolition, delivered, on June 11, 1841, a speech which Adams thus describes, — “Wise began in a tone which I saw would break him down — loud, vociferous, declamatory, furibund; he raved about the hell-hound of abolition, and at me, as the leader of the abolitionists throughout the Union, for a full hour.” Wise was, however, a magnetic personality, and had many qualities of leadership. He was made Minister to Brazil by Tyler in 1844. As Governor of Virginia (1856–60), he brought about the capture and execution of John Brown. He was later a General in the Confederate Army, and after the war settled down as a lawyer in his native state.

² Thomas W. Gilmer (1802–44) was, like Wise, a Jacksonian turned Whig. In 1840, he became Governor of Virginia, and in 1841, at the age of thirty-nine, he was serving his first term in the national House of Representatives.

³ Mallory was a less conspicuous Virginian, who was, like Gilmer, in the House for his first term.

⁴ W. W. Irwin (1803–56) was a Pennsylvania lawyer who was a new man in the House. He was appointed Minister to Denmark by Tyler in 1843, and spent four years in that country.

⁵ Proffit, who was opening his second term in the House, was a witty and convincing debater.

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came to glory in Clay's nickname of the "Corporal's Guard," and stood together bravely against an overwhelming majority.

Of the members of the "Corporal's Guard," Cushing was to be, by reason of his intellectual endowment, his experience, and his personality, the foremost in the eyes of the nation. He and William C. Rives,¹ then a Senator from Virginia, were Tyler's most aggressive supporters in Congress. Each in his respective branch could be relied upon to defend the President, who, in his turn, trusted them implicitly. It was Rives who, in answer to Clay's mention of a "cabal," made a counter-charge:

"Rumor is busy in alleging that there is an organized dictatorship, in permanent session in this capitol, seeking to control the whole action of the government, in both the legislative and executive branches, and sending deputation after deputation to the President of the United States to teach him his duty, and bring him to terms."

Tyler's supporters, although regularly out-voted, were quite capable of holding their own in debate, and in the House the "Corporal's Guard" formed a compact body, small in numbers but dangerous because of their fidelity to their principles.

Not all Clay's influence could pass the Bank Bill in the Senate over the President's veto. Senator Berrien and Congressman John Sergeant were then deputed by a Whig caucus to seek an interview with Tyler, in order to ascertain just what kind of a measure he would sign; but the latter would hold no conversation with them upon the details of the bill except through his cabinet. At a

¹ William C. Rives (1793-1868) was an active Virginia politician, who was twice Minister to France (1829-32; 1849-53) and was almost continuously in the United States Senate from 1832 to 1845. He was well-known as a writer, especially as the author of the *Life and Times of James Madison*.

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cabinet meeting on August 18, Webster and Ewing were given Tyler's authorization to confer with Sergeant and Berrien, but with definite instructions not to commit the President to any course of action. Webster and Ewing both inspected a new Bank Bill, shown them by Berrien, and both evidently were prepossessed in its favor; at any rate, Sergeant, apparently believing that he would have Tyler's approval, moved in the House to strike out the enacting clause in the Fiscal Bank Bill already reported from the Committee on the Currency and to insert instead the measure which he and Berrien had shown to Webster and Ewing. It is important to remember, however, that Tyler had made no pledge. On that very day, Webster wrote the President:

"I have done or said nothing as from you or by your authority, or implicating you in the slightest degree. If any measure pass, you will be perfectly free to exercise your constitutional power wholly uncommitted, except so far as may be gathered from your public and official acts."

Sergeant's substitute was, in reality, hardly more acceptable to Tyler than the measure which he had already vetoed. On the very day when it was proposed, the President had sent Wise to warn Sergeant that he would not bind himself to the Fiscal Bank Bill unless the constitutional objections were fully eliminated. Tyler's conduct through this critical period shows that he was perfectly sincere and open; indeed, though he regularly counseled postponement of the bank legislation until the next session, he actually took the trouble to suggest to several friendly Congressmen, — including Caleb Cushing, — an amendment which would be satisfactory. But the Whigs, under Clay's dictation, insisted on all or nothing. They reduced the capital from thirty to twenty-one millions; they called the institution a "Fiscal

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Corporation " instead of a " Fiscal Bank "; but they left the question about the assent of the states unsettled, and it was this over which John Tyler was most concerned. Furthermore they arbitrarily closed the debate in three days, and, after rejecting every amendment proposed by Tyler's friends, passed the bill by a comfortable majority. Thence it went to the Senate, where it met with similar success.

Tyler was now the target of threats and petitions from every quarter, but, in the face of a torrent of abuse, he preserved his equanimity. Certainly he did well to keep his temper after the notorious "coffee house letter," written by John M. Botts, on August 16, in which the following paragraph appeared:

" Our Captain Tyler is making a desperate effort to set himself up with the *loco-focos*; but he'll be headed yet, and, I regret to say, it will end badly for him. He will be an object of execration with both parties; with the one for vetoing our bill, which was bad enough, with the other for signing a worse one; but he is hardly entitled to our sympathy."

Words like these from a former friend were not soothing to Tyler's disposition. But, after all, it was not partisanship or resentment or personal hatred, but honest conviction, which led Tyler, on September 9, to sign his name to his second veto message. With undoubted courage, he asserted that his conscience would not permit him to violate his oath of office, and that he stood firm in his belief that the proposed measure was in direct contravention of the Constitution.

Tyler's action in persisting in his veto has met with the approbation of even otherwise hostile critics. Schurz, the best of Clay's biographers, admits that Tyler, when preventing by his veto the incorporation of another

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United States Bank, "rendered his country a valuable service." Kinley, an authority on our national finances, has said, — "It was fortunate, perhaps, that both the bills mentioned were defeated, for either of them would have been likely to work great mischief." Even the partisan Von Holst, who cannot be charged with any bias in Tyler's favor, said, — "In my opinion, the bill did not honestly fulfill the conditions made by Tyler."

Caleb Cushing bore himself with dignity through this crisis. In a speech delivered in the House on August 25, after the bill had passed the lower branch of Congress, he devoted himself mainly to remarks made that morning by Arnold, of Tennessee, and by Botts, of Virginia, the latter of whom, with characteristic immoderation, had called Tyler's conduct "treachery the basest and vilest." In reply, Cushing asserted that Harrison and Tyler had been elected together, "upon the broad and great platform of opposition to the Administration and of conciliation towards each other." He went on in vivid words:

"The spectacle which the party now exhibits is a most humiliating one. In the very freshness of our power, now that we stand on the threshold of greatness, — now, when all the departments of the Government, the Executive, the Senate, and the House, hold here the power of a triumphant and enthusiastic majority, — at such a time we allow ourselves to be rent asunder by intestine divisions and mutual crimination."

He showed, what was undoubtedly true, that, during eight weeks of the special session, Congress had passed several important measures, — the Loan Bill, the Land Distribution Bill, the Revenue Bill, the Defense Bills, the Bankrupt Bill, the Repeal of the Sub-Treasury, and the Deposit Act, — all of them approved by the Executive. Cushing continued by maintaining, what can

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easily be proved, that Harrison, Tyler, and the Whig Party were unpledged to a United States Bank. He himself had voted for the two Bank Bills which Tyler had vetoed; but Tyler was certainly entitled "to the same rights of conscience with any member of the House." After all, he added, the United States Bank was not "the beginning, the middle, and the end of Whiggism." As for himself, he believed the President to be "honorable, just, and conscientious as a man"; and he appealed to the Whigs to "yield a frank and manly support to Mr. Tyler's administration."

The wise men among the Whigs were naturally doing all that they could to avert the threatened disaster. Judge Wilde, who, as usual, represented the opinions of the more conservative classes in New England, wrote Cushing, September 4:

"I have read your speech in vindication of the President, & I agree with you throughout. Mr. Hale in his paper of this morning seems to think you should have qualified your remarks of entire approbation, because he thinks that the President, having the sentiments he now avows, ought to have declined the nomination. I cannot, however, think so. If there is any wrong in the matter, it must be imputed to those who made the nomination.

But however this may be, it is very clear that we ought now to make the best of a bad bargain, — if such it be, as I am very much inclined to think. I do not doubt the President is perfectly honest & conscientious. But I regret that his conscience is not more liberal & expansive, & that he is not willing to yield in the least to advice. . . . One thing is certain, — that an open breach with the P. would be ruinous, and so would be a split in the Whig Party; but if another veto should come, I think it will be hardly possible to avert one or both of these disastrous consequences. And I do hope the present Bank Bill will be stopped in the Senate or laid over to the next session. If this should not be the case, & the bill

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should be vetoed, then you must put all your shoulders to the wheel, & prevent, if possible, a serious division in the Whig Party."

Whittier wrote from Amesbury, August 30, offering some interesting comments on the situation:

"Since writing a day or two ago, I have seen in some of the papers paragraphs intimating that in case of a change in the Cabinet, thee will be a permanent member of the newly formed one.

The news from Washington has excited great interest here; and various are the conjectures as to thy course. It seems to me that the Whigs have acted very unwisely in their attacks upon Tyler, for should they succeed in driving him into an independent position, he would necessarily and in self-defense draw around him the support of the Democracy, as well as of the Conservative and Democratic Whigs; and present an army of strength which Henry Clay could never make head against.

One thing is clear to my mind. After what has occurred, Clay cannot be President; and if we *must* have a Southern man, I would as soon have Tyler as any one. Give us the *genuine* rather than the *sham*.

Webster's day is over, and I do not care how soon he comes back again. As to Everett & his nomination; nothing has amused me more than the idea of rejecting him on account of his abolitionism. It would be as absurd to make an abolition martyr of Everett as a Christian one of Abner Kneeland. In truth I suspect Everett *has no principles* about the matter. He has declared himself an abolitionist, — *an immediate unconditional abolitionist*, — but he can doubtless explain it all away just as he did his famous Slavery speech in Congress. I do not wish to do him injustice; but I confess I shall not pity him if his nomination is not confirmed; nor do I think the North will be disposed to dissolve the Union on account of it, — as his brother-in-law seems to indicate in his paper. It wouldn't surprise me if Nathan Hale should declare off in consequence, but even in that ever-to-be-deprecated contingency, is it not after all barely possible that the Government could manage to get along without him?

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We shall look with some interest to the next news from Congress. What new colors and combinations the next turn of your political Kaleidoscope may present us, we cannot conjecture. Even at this distance, and with my imperfect conception of the state of things, I can see that thy position is requiring great prudence, and forecast, — as well as decision. That thy course may be such as to cause no uneasiness to thyself on a retrospection hereafter, — one in short which thy own conscience can justify, — is the sincere wish of thy friend."

It has sometimes been intimated by historians of this period that Caleb Cushing took even a more active part in the Bank controversy than has been ordinarily attributed to him. A series of articles appeared during the summer in the *New York Herald*, evidently prepared by some one in the confidence of the President, and roundly abusing the members of Tyler's cabinet. Gales told Adams in confidence that Cushing wrote some of the most inflammatory of these articles; and Lyon G. Tyler states that they were attributed at the time to the President's sons and to Caleb Cushing. Well aware of the gossip that was being circulated, Cushing took pains, in October, 1841, to secure a signed letter from Parmelee, the editor of the *Herald*, asserting that Cushing, during the extra session, had sent only one brief manuscript to the *Herald*, and that even this was never published. Parmelee returned this short article to Cushing, and it is here printed for the first time. It was evidently written about September 1, just preceding President Tyler's second veto:

"In anticipation of a veto of the Bank Bill, there is much speculation as to its consequences in a party point of view. Will it have the effect to demoralize & disband the present Whig Administration party in Congress, for instance? It may do this, but it seems to me it ought not. Did the Administration party in 1815 dissolve because Madison vetoed the Bank Bill

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which the two Houses passed. And why any more now? The ultra bank Whigs in Congress may fly into a passion, and, in an excess of resentment, quarrel with the President on this subject; but, if they act with reason and common sense, they will do no such thing. They will have no justifiable cause to do it. For how stands the case? The President and the two Houses concur in the great mass of Whig measures, proceeding harmoniously together in them, and exhibiting to the country the spectacle of an Executive and a Congress not only coming up to, but far exceeding, in patriotism and efficiency all that was ever hoped or promised of a Whig Administration. The President meets the two Houses half way, on a common platform of conciliation and policy, as to every one of these measures, not excepting the Bank. But he and they differ in regard to a single question of detail, and but one, of these measures. Can they, for this, impeach not only his integrity and patriotism, but his Whiggism? They cannot. It would be ridiculous, it would be monstrous, to pretend that he is to be the mere puppet of Congress, and to violate long cherished constitutional opinions at their bidding. Nor can they charge him with bad faith. If, — which I deny, — a Bank was promised by the Whigs, it is absurd to say that any precise form of Bank was promised. Men whose feelings outrun their judgment are continually speaking not only as if the President was pledged to a Bank, but as if Mr. Clay's bill and all its half hundred sections 'in the words and figures following' had been written out at Harrisburg, and been the subject of a pledge signed and sealed by 'Tippecanoe and Tyler too.' In a word, if the Whigs quarrel with the President on this point, it will be an act of downright suicide on their part, — of mere judicial madness. No man who looks carefully at the position of the President, and the objects and designs of the party, can believe it for one instant."

This very clear and succinct outline of the situation and its probable consequences was the only communication sent by Cushing to the *Herald* in 1841, and the allegation that he went out of his way to denounce the President's cabinet is baseless. It was but one of countless

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canards which were circulated about him by the followers of Henry Clay.

But if Cushing was subjected to vituperation, he found compensation in the fact that he had the approval of Daniel Webster. Webster was doing his utmost to prevent the Whigs from antagonizing Tyler. On August 25, after the publication of Botts's "coffee house letter," he wrote to Bates and Choate, the two Massachusetts Senators, advising the Whigs to desist from pressing the Bank Bill further at that time. Webster added:

"A decisive rebuke ought, in my judgment, to be given to the intimation, from whatever quarter, of a disposition among the Whigs to embarrass the President. . . . I am fully and entirely persuaded that the bank subject should be postponed until the next session."

During these critical weeks, Cushing dined frequently with both Webster and Tyler. He makes especial note of one famous dinner at Webster's home, on September 2, at which Tyler, Ewing, Badger, Crittenden, Granger, Bates, and others were present. In the Cushing papers are literally hundreds of brief notes from Webster to Cushing, on matters which would today be settled quickly over the telephone. During the wrangle over the veto, Cushing was consulted by Webster and Tyler in connection with every important step that was taken. Tyler signed the second veto message on Thursday, September 9; on that evening and on the previous one Cushing dined with Webster; and on September 7, both he and Webster were Tyler's guests at a secret conference in the White House. What was said at these meetings has never been disclosed, but it must have determined very largely the destiny of the Whig Party.

On that same momentous Thursday evening, just after

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John Tyler had attached his signature to the second veto, there was another gathering in Washington at which Webster, though invited, was not present. The remaining members of the cabinet met at the home of Badger, the Secretary of the Navy, for a conference with Henry Clay, their acknowledged leader. It was there agreed that they should resign one after another on Sunday, September 11. On Friday, Webster invited the Massachusetts delegation to his house, Cushing being, of course, among the guests; and they voted, Adams concurring, that Webster "would not be justified" in resigning at that time.

The story of Webster's decision to adhere to Tyler has been told vividly by John Tyler, Jr., then his father's private secretary. Webster happened to be in conference with the President when the latter received Ewing's resignation from the Treasury. Tyler read the letter to the Secretary of the State:

"Webster then, in his deep-toned voice, asked, 'Where am I to go, Mr. President?' The President's reply was only in these words. 'You must decide that for yourself, Mr. Webster.' At this Mr. Webster instantly caught, and said, 'If you leave it to me, Mr. President, I will stay where I am.' Whereupon President Tyler, rising from his seat and extending his hand to Mr. Webster, warmly rejoined, 'Give me your hand on that, and now I will say to you that Henry Clay is a doomed man from this hour.'"

The other withdrawals took place as previously arranged, and the formal notifications from the cabinet officials were received by the President before Saturday evening, the expectation being that he would, by his hasty action, be placed in a quandary. Webster, the sole remaining member of Harrison's department heads, justified his position, in a letter to the *National Intelligencer*, saying,

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that he had stayed "because he had seen no sufficient reason for the dissolution of the late cabinet by the voluntary act of its members," and also because, "if he had seen reasons to resign his office, he should not have done so without giving the President reasonable notice, and affording him time to select the hands to which he should wish to confide the delicate and important matters now pending in this department." There can be no doubt that Webster was rather pleased at the prospect of standing out in opposition to the will of his rival, Henry Clay.

But even Webster, with his dynamic personality, could make no real headway against the anti-Tyler revolt. On the very day when the cabinet members resigned, the Whigs in Congress held a solemn conclave, the main purpose of which was to read the President out of the party. Needless to say, Caleb Cushing was absent; nor was he there on the following Monday, when the same assembly gathered early in the morning to listen to the report of a committee charged with drafting an address to the people of the United States. This address, as submitted, gave a lengthy survey of political conditions during the preceding ten or twelve years, the motive of which was to lead up to the conclusion that Tyler had prevented the Whigs from reaping the fruits of their victory at the polls in 1840. It then proceeded to a formal repudiation of the President:

"We are constrained to say that the President, by the course which he has adopted in respect to the application of the veto power to two successive bank charters, each of which there was just reason to believe would meet his approbation; by his withdrawal of confidence from his real friends in Congress and from the members of his cabinet; by his bestowal of it on others, notwithstanding their notorious opposition to leading members of his administration, has voluntarily separated him-

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self from those by whose exertions and suffrage he was elevated to that office through which he reached his present exalted station."

So it was that Henry Clay, directing the Whig policy, took the step which drove John Tyler ultimately back into the Democratic ranks. Clay had balked Tyler for the time being, but his triumph was to bring him no enduring satisfaction. And Tyler, for his part, could boast that Clay's project for a United States Bank was dead beyond all possibility of resuscitation.

The resignation of Tyler's cabinet revived the persistent rumors that Cushing would be nominated to one of the departments. W. H. Grinnell, on September 7, wrote him, — "It seems to be generally understood that a change in the Cabinet is to take place, and that you are to be honored with a place (say Secretary of the Treasury) in the new formation." Newspapers, especially in Boston and New York, referred to him as the logical successor to Ewing. In connection with this possibility, Horace Greeley,¹ just beginning his long and brilliant journalistic career, wrote him, September 8, from New York:

"Mr. Tyler is greatly deceived with regard to the feelings of the country in regard to a Bank. There are many reflecting men who think some other organization or policy can better answer the ends which a Bank should serve: but among the Whigs there is not, out of Washington, a dissenter from this proposition, — that the Government ought to adopt some decided measures to resume proper, salutary control over the currency of the country, and restore that currency to uniformity and soundness. I cannot find an exception. Many think as

¹ Horace Greeley (1811-72), born in Amherst, New Hampshire, after a varied career as an apprentice printer, had become editor in 1840 of the *Log Cabin*, a Harrison campaign weekly. On April 10, 1841, he issued the first number of the New York *Daily Tribune*, of which he was at first proprietor, publisher, and editor.

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I do that a Bank of Discount is not the proper engine; a small number see serious defects in the Fiscal Corporation; but all agree that something should be done. Now if President Tyler runs counter to this torrent of public sentiment in his second veto, he will ruin himself and all who are embarked with him, so far as the Whig Party is concerned. But if he distinctly admits the duty of the Government to do whatever is in its power to remedy the evils under which the people now suffer, pledges his co-operation in devising and carrying out some unexceptionable plan at the next session, invites suggestions to that end from all quarters, and intersperses some sound Whig truths with the else unpalatable veto, we shall yet be all right. If not, a chasm wider than the Atlantic will soon open between us.

If Mr. Tyler is not in his heart and principles essentially Whig, he will ruin those who accept places in his cabinet. If he is, all's well. But stories of his extra-familiarity with Benton, Buchanan, and Ohio Allen are all over the country. Any attempt to form a mongrel administration will be deadly to all concerned. It must be Whig or nothing. I know you will excuse the freedom of this letter."

A few days later, the contingency of which Greeley spoke arrived, and Tyler was compelled, within a brief period, to select new cabinet advisers. Caleb Cushing's name, however, did not appear on the list. The President, who would gladly have rewarded Cushing's loyalty by making him Secretary of the Treasury, found, when the right moment came, that he did not dare to dispense with the latter's invaluable services on the floor of the House. Tyler, therefore, passed by Cushing, and, acting rapidly but coolly, selected a group of undistinguished former Jackson Democrats, all enemies of Henry Clay. Walter Forward took the Treasury, and Upshur the Navy. McLean became Secretary of War, Wickliffe Postmaster-General, and Legaré Attorney General. The new cabinet, with the exception of Web-

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ster, was an assembly of mediocrities, remarkable only for their unanimity of opinions and devotion to the interests of their chief.

With the appointment of the new cabinet, the gage of battle was definitely thrown down by John Tyler. From that moment it was warfare to the finish between the President and Clay. One of the best contemporary summaries of what had occurred is given in a letter, dated November 16, 1841, from Alexander H. Everett, then at Jefferson College, Louisiana, to Cushing:

"Gen. Harrison's death was a mere accident, and, after it had happened, the subsequent changes followed, without much fault in any quarter, almost as a matter of course. Tyler, who had been placed upon the ticket as a known anti-Bank man, naturally acted, when the occasion offered, in that character. Hence the vetoes. It was natural, on the other hand, that the Bank Whigs should be rather restive under such a course on his part. Hence Botts's letter, — the resignations, — the Caucus addresses, — the burnings in effigy, etc.

You and Mr. Webster, in rising above the influence of this natural, but perhaps not very politic, or reasonable pettishness, and endeavoring to smooth over the difficulty, have taken the true course, as politicians and men of sense. What the result may be no one can predict with certainty, precisely, because the aforesaid Dame Fortune is always pursuing her usual sports, by the effect of which the pins, that are at any time erect in the political bowling alley, are liable to find their heels tripped up any fine morning, when they least expect it, — perhaps, in this case, by a Democratic victory at the popular elections."

Meanwhile the extra session had closed, and temporary truce had been assured. In dwelling so much in detail on the quarrel between Tyler and Clay, we may, perhaps, have forgotten that this so-called "dog-day session," which lasted from May 31 to September 13, through the almost tropical sultriness of a Washington summer,

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transacted other business than that relating to a United States Bank. With the Whigs in a majority in both branches, measures which had a united party support could be pushed rapidly along. A Bankruptcy Bill, although not asked for in the President's Message or included in Clay's schedule of proposed legislation, was passed by a close vote in the Senate, and eventually approved in the House. Caleb Cushing, who had been urged by a group of Wall Street bankers to support this legislation, had notified them of his sympathy with it, and had stated his belief that Congress ought to "interpose for the relief of the unfortunate." The act, as passed, was to take effect on February 1, 1842. Long before that date, however, the country was demanding its repeal. It was a hastily conceived and carelessly drawn statute, which was soon repudiated by the very Congress which passed it.

A temporary loan bill, authorizing the borrowing of twelve million dollars, was passed in July; and a temporary tariff act, signed near the close of the session, provided for a possible Treasury deficiency. A favorite but unsound scheme of Clay's, — that of the distribution among the states of the net annual proceeds from the sale of the public lands, — was rushed through. The absurdity of this project is shown by the fact that the government, at that very moment, was being compelled to borrow money for current expenses. Fortunately an amendment provided that no distribution should be made while the tariff duties remained above twenty per cent; consequently no money was ever allotted to the states under the provisions of the measure. Henry Clay's financial theories were, on the whole, poorly designed and impracticable in operation; but it must be admitted that his program, bad though it was, had gone through

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without much opposition up to the time when the United States Bank was so wisely vetoed by Tyler.

With all these financial discussions Caleb Cushing was concerned and his voice was frequently heard in debate. A topic more alluring to his mind, however, was the question of our relations with Great Britain, which, since the affair of the *Caroline*, had been in a state both puzzling and critical. As Chairman of the House Committee of Foreign Affairs, Cushing had an active share in all the delicate negotiations and was in close touch with the Department of State. The more important contested points had been really on a way to settlement when, in November, 1840, a certain Alexander McLeod, coming over the border from Canada to New York State, boasted publicly of his share in the capture and burning of the *Caroline*, and was subsequently arrested and put on trial for the murder of the American victim of the catastrophe, Durfree. Webster, when he took office, found awaiting his consideration a letter from Fox, the British Secretary of Foreign Affairs, demanding McLeod's release, on the ground that Great Britain was prepared to assume all responsibility for his conduct. McLeod was then in jail at Lockport, New York; and it was Webster's difficult task to carry on negotiations with the sovereign state of New York, of which William H. Seward was then the Governor. As the correspondence between Seward and Webster dragged along, the Democrats naturally improved the opportunity to censure the sluggishness of the administration. The trial of McLeod, originally set for April, was, because of a technical error, postponed until autumn. Great Britain was apparently ready, if not willing, for war, and General Cass, our Minister to France, wrote that the English were preparing for immediate military

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and naval action in case McLeod were hanged. Meanwhile Webster answered Fox's note with the statement that America was jealous of its rights, and, while reluctant to disturb the peace of the world, was determined to maintain its territory free from foreign aggression.

Caleb Cushing was then, as we have said, Chairman of the House Committee of Foreign Affairs, and his sentiments towards Great Britain were well known. At an Independence Day celebration in 1839, at Springfield, he, a Congressman of the United States, had denounced British colonial policy:

"But on the northern and eastern frontiers of the United States, overhanging us from the sea like a lowering storm-cloud, are the British provinces, still dependent on Europe. That is the point of peril. There is monarchy in its worst form, that of the forcible occupation, by a foreign prince, of a country whose natural position and social constitution, and contiguity to us, impel it towards independence and freedom and self-government. . . . The Canadas have far greater causes of complaint than we had when we belonged to Great Britain. There is no doubt of this. It is proclaimed by themselves; it is declared in the British Parliament; it is admitted by each successive Colonial Secretary; it is spoken out in language not to be mistaken, the language of insurrection and civil war. . . . I engage to exhibit a parallel of every one of the specifications of tyranny set forth in our Declaration of Independence, by the same or greater acts of enormity perpetrated by Great Britain in the Canadas."

This was strong language; and Caleb Cushing two years later had not changed his views in the direction of moderation. On June 24, 1841, he spoke in the House at some length in defense of Webster's policy of firmness:

"Now I, for one, deprecate a war between the United States and any government, and this most of all between the United

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States and England; but in deprecating this, I declare, as I have again and again done before, that I would cavil with England as to the thousandth division of a hair, on any question of the rights or honor of the United States."

Cushing's wish was to stand front to front with England without a single trace of yielding, and he could not refrain from speaking of her in terms which recall those used in our Declaration of Independence:

"Sir, it is not the policy of the Government of the United States to go about grasping at advantages to do wrong. Her march is along the luminous path of justice and honor. To England be that of grasping ambition, of outreaching rapacity, and of wrong, as wide as the all but endless range of her empire. Us, however, she must not assail with impunity. And, that we may be able to meet her in the righteousness of a good cause, let us take care that in this thing no taint or blemish rests in the spotless ermine of our honor."

He closed in words entirely characteristic of American ambitions at that period, when it seemed as if the young republic could defy all Europe:

"I will not detain the House with any further discussion of these questions. This only I add in conclusion, — that if all or either of the points in controversy between us and Great Britain should end in war, I count with implicit confidence upon the patriotism of the Government in all its parts, of both Houses of Congress, and every member of it, and on that of the whole people of the United States, to unite in carrying us triumphantly through it, to rally as one man under the broad banner of the Union, and never to yield until the entire continent is redeemed from foreign power and foreign influence, — and Republican Government shall be made to become the common blessing of the whole of North America from the Gulf of Mexico to the furthest shore of the Arctic Sea."

It was probably fortunate that Caleb Cushing's sincere but too belligerent patriotism was tempered by Webster's

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more tactful disposition. Palmerston, the pugnacious, was succeeded in the foreign office in late August, 1841, by the more urbane Lord Aberdeen. Then, although the Supreme Court of New York refused to discharge McLeod on a writ of *habeas corpus*, he was acquitted at his trial in November and released. Finally, through Webster's mediation, the British Government notified us early in January, 1842, that Lord Ashburton was to be sent to Washington as a special envoy, empowered to settle all the pending controversial questions. To the other arguments for Webster's retaining his place as Secretary of State may be added his consciousness that the quarrel between the United States and Great Britain was on its way to settlement and that, if he resigned, the negotiations thus far arranged might easily be broken off. That he was right, future events were to prove; and the successful consummation of the Ashburton Treaty was in itself Webster's justification. There was no war with Great Britain; and America gained as much in prestige and territory through peaceful means as she could possibly have acquired even after a victorious conflict.

We must return now to Caleb Cushing, who, after the close of the extra session, was doing his best to present to the country the case of Captain Tyler and the "Corporal's Guard." On September 27, while the echoes of the second veto were still unforgotten, he published a twelve-page pamphlet, *To My Constituents*, in which, in reply to the Whig Caucus manifesto already mentioned, he undertook to explain his decision to stand by the President. Cushing's argument appeared at a moment when people were too much excited to be open to reason, but it can now be judged dispassionately. When the storm clouds break away, the sun again shines out.

Cushing's justification of his position cannot be passed

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over without a word. It opens with a general statement of the existing situation:

"A Caucus dictatorship has been set up in Congress, which, not satisfied with ruling that body to the extinguishment of individual freedom of opinion, seeks to control the President in his proper sphere of duty, denounces him before you for refusing to surrender his independence and his conscience to its decree, and proposes, through subversion of the fundamental provisions and principles of the Constitution, to usurp the command of the Government."

Is it expedient, he asks, to dissolve the existing Whig Administration, and thus to put the Whigs, as a kind of "Tertium Quid," — neither Administration, nor Opposition, — in a minority? He referred by implication to Henry Clay:

"Is the contingent possibility of advancing to power four years hence any one particular man in its ranks, whoever he may be, and however eminently deserving, a sufficient object to induce the Whig Party to abdicate the power which itself as a body possesses now?"

But it is less on mere expediency than on the rock of principle that Cushing rests his case. Tyler was, at the time of his nomination, unpledged to any bank; in vetoing the Fiscal Corporation Bill he violated no agreement and broke no promise; and, conscientiously disapproving of the two bills as they were presented, he would have been false to his oath as President if he had not indicated fearlessly his objections. Cushing shows that Tyler had told many of the leading Whigs explicitly that the bill must either provide for no discounts, or, if allowed discounts, it must permit each state to give its individual assent or refusal. He stresses the fact that Webster, as well as the two Senators from Massachusetts,

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had advocated modification of the bills to meet the wishes of the President. Cushing went on:

"All the intended errors of conduct, on the part of those Whigs who, by reproach of the President, are hurrying on a quarrel between him and the Whig Party, would have been prevented, if, in addition to the recognition of his rights of conscience and constitutional judgment in this matter, it had been remembered, by right-thinking men, that *opinions*, though they be a moral act only, yet constitute a *fact*, to be dealt with, and considered, and conformed to where they cannot be changed, just as much as unchangeable physical facts."

With regard to the dramatic cabinet resignations, Cushing pauses merely to say that the matter of the withdrawal of the five department heads is unimportant, always provided that they "have wise, good, and fit successors in office." And there is always the example of Webster:

"While these gentlemen have retired, yet the Secretary of State, in whose patriotism and ability you have more immediate cause to confide, has declared that he knows no sufficient cause for such separation, and continues to coöperate cordially with the President in the discharge of the duties of that station which he fills with so much honor to himself and advantage to the country."

As for the Whig Manifesto, ejecting Tyler from the party, it was passed, says Cushing, on the last day of the session, by only a small group of disaffected Congressmen, and is in no sense representative of party opinion as a whole. In protesting against the assertions and implications of this Manifesto, Cushing defends the veto power as a wise element of the executive function and points out the consequences of abandoning it:

"Do this, — take away the veto, so as to leave the power of Congress unchecked, that is, absolute, for all liberty exists by

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means of checks on despotism, — abandon it not only to the law-making power, but the appointing power and the money power, — and where stand then the *Liberties of the People of the United States*? Nominally in the hands of Congress, really in those of an *unchecked and untempered majority of Congress*; nominally in the hands prescribed by the Constitution, *really* in those of a *heated and despotic caucus*; nominally in the responsible hands of the Senate and the House, *really* in the irresponsible ones of some ONE MAN behind the scenes, wielding the Government through Congress and Congress behind the Caucus.”

Although Cushing mentioned no names, there was no reader of Cushing's pamphlet who did not know that the author was thinking in this paragraph of Henry Clay, the haughty foe of “Captain Tyler.” It is true that Cushing disavowed any intention of directly attacking Clay. In a letter written to Edgar Snowden, October 8, Cushing said:

“Relying upon the candor of character which I have been accustomed to ascribe to you, I ask permission to address to you a few words concerning certain points in your notice in yesterday's *Gazette* of my *Letter to My Constituents*.

That letter, let me premise, was extorted from me by the malicious attacks on the Administration, and myself as connected with it, which have abounded in certain of the newspapers particularly hostile to the President, under which neither my regard to him nor my duty to myself would allow me to remain silent. It became but simply an act of self-defense to exhibit the other side of the argument.

But it was my aim, in the composition of that letter, sedulously to shun all merely personal questions, other than those relating to the President, leaving every such question for a future stage of controversy, if provoked to it.

If, therefore, the letter ‘insinuates’ anything to the disparagement of any ‘distinguished statesman,’ it was unintentional and without consciousness on my part and must arise from ambiguity of expression. Whenever, in that letter, specific

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reference to any particular individual was designed by me, he is mentioned by his proper name or official title.

The words 'caucus dictatorship' were not used by me as mere slang, but as a description (in my opinion) of a fact, not as derived from my own knowledge, but from authentic documents published to my hand, especially the letter of the retiring Secretaries and the Whig Address.

Such a fact was, it seemed to me, the more worthy of animadversion, because of the obvious anomaly of Congress initiating changes of the Constitution having for their object the transfer to that body of *three*, at least, of the great powers entrusted by the Constitution to the Executive. This gave to the caucus proceedings in the Whig Address and as against the President, the complexion of *usurpation*. For either branch of the Government itself to undertake the absorption into itself of the chief powers of the other, is not only dangerous innovation on the Constitution, but innovation in the most dangerous of all forms. It belongs to the people of the several States, if they desire such an augmentation of the powers of Congress, to start it; and not to Congress, which is to receive the augmented powers at the expense of the Executive."

But even Cushing's formal disavowal of an attack on Clay was not in any sense convincing. He knew well enough that the matter of the veto could not be discussed without considering the personalities of the two rivals, Clay and Tyler, especially since every unfair criticism of the President could be attributed to the fine Italian hand of the Senator from Kentucky.

Cushing had, by this time, gone too far to retreat. The extra session, from which he had anticipated so much, had forced him into a dilemma which presented no means of escape. Within four months, the aims of his life had wholly altered. When the problem was first definitely proposed in the summer of 1841, he viewed it as little more than a decision between Clay and Tyler,—and his predilections were all with Tyler.

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Now it was becoming apparent that the choice was a more serious one. Nothing could disguise the fact that the majority of the Whigs would stand by Clay, and that Tyler would probably be driven back among his former associates in the Democratic Party. It was actually, then, an alternative between Democracy and Whiggism, — and, in the not far distant future, between the South and the North. Thus it was that Caleb Cushing, who, with Adams and Everett and Webster, had begun his career as a representative of New England, found himself about to break with the traditions and the cherished doctrines of his own section. When he resolved to adhere loyally to John Tyler, he was unconsciously severing the ties which bound him to the Massachusetts Whigs and building up against himself an animosity which even to-day is not forgotten. For the time being, — and to his great comfort, — he had Webster as one of his companions; but the proud Expounder of the Constitution made his way back to the Whig tents, and was welcomed as if he had been the warrior Achilles returning to the combat. Caleb Cushing, however, was not so fortunate. In his declining years, as he mused over the past, he often speculated as to what might have been his fate if his conscience, in 1841, had allowed him to follow Clay. Like the wondering figure in Robert Frost's *The Road Not Taken*, he could reflect:

“Two roads diverged in a wood, and I —
I took the one less traveled by,
And that has made all the difference.”

To some persons, — and especially to New England historians, — it has seemed, and still seems, a mistake that Caleb Cushing took the path leading south. But the choice was not so obvious as it is usually conceived to

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be. With Cushing, slavery did not affect his decision in the slightest. On the immediate question at issue, — that of the veto of the bill for a United States Bank, — Cushing's logic was better than that of his critics. Of the two rival claimants in 1841, John Tyler, according to most competent judges, was more nearly right than Henry Clay; and Webster's refusal to desert the sinking administrative vessel must have persuaded Cushing that the ship could be steered safely to port. We realize now that Cushing's attitude was to lead gradually to a more intimate association with Southern statesmen, and, consequently, to a better understanding of their peculiar problems and a warmer sympathy with their opinions, and that it was to force him, by an inevitable process, into the Democratic Party. But that man would have been indeed a prophet who could, during the weeks which followed Tyler's second veto, have foreseen all these possibilities.

There were, of course, advisers to warn him of his danger. His trusted lieutenant, Paul R. George, wrote him from Lowell:

"Among about half the Whig Party in this vicinity a morose kind of dog in the manger disposition seems to exist, and there is a readiness to throw it off on any one that comes uppermost in their minds. Yourself comes in for your full share. Most that is said, however, regarding you is rather from a fault-finding mind than determined dislike, & most of it is in consequence of an anti-Tyler feeling on their part, and the defense on yours. This feeling, however, with few exceptions, exists with a class that have but little control over public opinion. The least said upon it the better for the present. . . . There is, in short, rather more fault finding than I expected to find, & rather less real danger."

Another friend, Ward, of Salem, cautioned him, in November, to avoid any further statements of his posi-

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tion until Congress had reassembled and he could get into touch with his colleagues. But Cushing, having now made up his mind, was not likely to let fear dissuade him from his course. He was convinced that the Clay faction had been scattered beyond all hope of reuniting.

Indeed it did seem as if the complacent followers of Clay had been discomfited. Benton, the apostle of Jacksonian Democracy, sang the "swan-song" of the Whigs, and exulted over a broken Whig Party. The organization which had swept the country in the autumn of 1840 had, within a year, almost disintegrated. A combination of bad luck and palpable errors in strategy had weakened their *morale* and quenched their enthusiasm. The fruits of their victory having been wrenched from their grasp, they were struggling to retain even the semblance of power. Henry Clay, the great compromiser, had forgotten how to compromise,—and his blunder brought disaster on his party. It was a sadly disillusioned Caleb Cushing who, as he made his way to Washington in the fall of 1841, meditated what could be saved from the wreckage.

CHAPTER NINE

THE FINAL TERM IN CONGRESS

“The Worldly Hope men set their Hearts upon
Turns ashes — or it prospers; and anon,
Like Snow upon the Desert’s dusty Face,
Lighting a little hour or two — is gone.”

FITZGERALD, *The Rubáiyát of Omar Khayyam*.

An early episode in the first regular session of the twenty-seventh Congress must have seemed to Caleb Cushing like a straw, indicating a shift in the direction of the political breeze. The House was called to order on December 6. When the standing committees were announced, it was found, to the amazement of newspaper correspondents, that John Quincy Adams had been named as Chairman of the Committee of Foreign Affairs, replacing Cushing, who, it will be remembered, had been Chairman throughout the special session. The inner history of this change is told entertainingly in Adams’s *Diary*. It seems that Cushing, on December 8, coming to Adams’s seat in the House, asked for an appointment at the latter’s residence for the following morning. The entry in Adams’s *Diary* for the 9th reads as follows:

“Mr. Caleb Cushing came this morning, according to appointment, and said that the Speaker, John White, had expressed to him the wish that he would resign the station of Chairman of the Committee of Foreign Relations in my favor; that, having occupied that station at the last session, it would have the appearance of personal hostility to him if he should now

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be removed from it, and he therefore came now to ask my advice what he should do; that the Whigs were a party entirely broken up; that the portion of the Whigs who issued the address against the President did not exceed fifty; but that there was no administration party in the House, — meaning to intimate that, as a friend of the administration of John Tyler, he felt bound to adhere to the station of Chairman of the Committee of Foreign Affairs.

I said to him that it was a point upon which I was hardly competent to give him advice; that I had no desire to be Chairman of the Committee of Foreign Relations, and had never, directly or indirectly, intimated such a wish to the Speaker; that, after most reluctantly serving ten years as Chairman of the Committee of Manufactures, I had, at the last session, requested the Speaker not to put me on that committee; he said he would not, and asked me if I had any objection to serving on the Committee of Foreign Relations; I said that should be as he pleased; and the next day he (Cushing) was announced as Chairman of the Committee of Foreign Relations, and I, of the Committee of Indian Affairs, — more odious than that of Manufactures. The House had, at my request, excused me from serving on the Indian Committee, and I had been on no standing committee through the session. I should be perfectly satisfied with the same dispensation through the present session. As to his being Chairman of the Committee of Foreign Relations, I must in candor say to him that after the rancorous hostility of his feelings against England, not only with reference to the Northeastern Boundary question, but upon numerous other points, on which I believed England more sinned against than sinning, I could not say I had much confidence in the course of that committee with him at its head. He knew that my advice to Mr. Webster to retain his place last September when all the other heads of Departments resigned, was founded exclusively on the belief that Mr. Webster's signally conciliatory temper and disposition towards England was indispensably necessary to save us from a most disastrous and calamitous war upon that wretched question about the State right of New York to hang McLeod; that most fortunately the stimulant to instant war was removed, but the temper of the two countries was so embittered and exasperated

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that it would yet require the most soothing spirit and the coolest blood to preserve the peace between them; that in the differences between Mr. Tyler and the Harrison cabinet I had taken no part, and had no feeling of hostility towards the administration; but he knew that in advising Mr. Webster to retain his office as Secretary of State, I had expressly disclaimed all obligation or intention to defend Mr. Tyler's treatment of his Cabinet, or his Executive measures during the late session. I added that my personal feelings towards him (Cushing) had invariably been, and still continued to be, friendly; that I had believed him to be uniformly friendly to me (he said it was certainly so); and that so strong and earnest had this feeling been, that, although there were several points of policy upon which my opinions differed totally from those expressed by him, I had not on a single occasion manifested that difference in the House, nor sought any discussion with him in private.

He said he regretted that I had not, and that he had not been aware of my differing from him, excepting in what I had lately said of the affair of the *Caroline*. I repeated that I had studiously avoided all altercation with him, from that overruling friendliness of disposition; that he could not but have observed that when he undertook to sanction and adopt the Tariff Compromise, and to speak not only for himself but for the whole Commonwealth, Governor Lincoln openly and explicitly declared his dissent from that declaration, and I said nothing, — though I certainly differed from him more widely even than Governor Lincoln.

To all this Mr. Cushing made no explanatory reply, but said he should not mention to the Speaker the substance of our conversation, but should be quiescent, and leave the Speaker to act as he may please. That is, he clings to the chair of the committee, and compels the Speaker to appoint him."

On the following day, Adams, still evidently perturbed by the problem of the Foreign Relations Committee, made this enlightening entry:

"My conversation yesterday with Caleb Cushing was of a character requiring more detail on the record than the usual space of one day would allow. At the Commencement of the

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last session of Congress, White, the Speaker, intended to place me as Chairman of the Committee of Foreign Relations. He gave me notice of that intention, and the next day appointed Cushing, at the special request of Daniel Webster. Cushing thought that inflammatory declamation against England upon all possible topics was the short cut to popularity, and he speechified accordingly. It appears that Mr. White is now again disposed to place me upon the Committee of Foreign Relations. I suppose he came yesterday with an expectation that I would authorize him to say to the Speaker that I wished him to be placed again as Chairman of the Committee of Foreign Relations, or to ascertain whether I had any concert with the Speaker on this occasion."

If Adams had been absolutely candid, he would have mentioned the fact that conditions had materially changed since the twenty-seventh Congress first met in the spring of 1841. Then Caleb Cushing was *persona grata* to Henry Clay and the Whig leaders in the House; now he was an admitted follower of Tyler, Clay's arch-enemy. The appointment of Adams as Chairman of the Committee of Foreign Relations was, as that gentleman knew in his heart, a movement towards the proscription of Cushing, deliberately planned to punish the latter for his recalcitrancy. For the moment, however, the ill-will behind this action was veiled by a compromise. Adams was appointed Chairman of the Foreign Relations Committee, but Cushing, as a salve to his feelings, was retained as a member; and Cushing was named as Chairman of a Select Committee on Finance and the Currency, consisting of nine men, whose duty it ostensibly was to consider the financial section of the President's Message and to make recommendations accordingly.

The difficulties thus apparently smoothed over proved more serious than any one had suspected. On January 24, 1842, Adams, pursuing his policy of previous ses-

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sions, presented in the House a petition from forty-six citizens of Haverhill, Massachusetts, asking for a peaceable dissolution of the Union. Gilmer, one of the "Corporal's Guard," at once offered a resolution censuring Adams for his conduct, and, in the debate thus unexpectedly precipitated, made a violent personal attack on the venerable ex-President. On the next morning, when the Committee of Foreign Relations had a stated meeting, Gilmer was present, but three other Southern members, — Rhett, of South Carolina, Cost Johnson, of Maryland, and Hunter, of Virginia, — did not appear. After the meeting was over, Cushing drew Adams aside to tell him that the Southern members of the Committee were so enraged over the controversy that they proposed to displace Adams and elect Cushing as Chairman. Cushing added that it was his intention to decline having any share in this project.

On the same afternoon, Marshall, of Kentucky, introduced a set of resolutions prepared by a caucus of forty Southerners, stating that Adams "had offered the deepest indignity to the House," "that he might well be held to merit expulsion from the National councils," and that the House desired to "turn him over to his own conscience and the indignation of all true American Citizens." Marshall spoke at some length in support of his resolutions, and was followed by Wise, — another of the "Corporal's Guard," — who, in a speech covering two days, continued the attack. The undismayed Massachusetts statesman then arose in his own defense. After denying categorically the right of the House to try him for the crimes with which he was charged (subornation of perjury and high treason), he concluded:

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"If they say they will try me, they must try me. If they say they will punish me, they must punish me. But if they say that in peace and mercy they will spare me expulsion, I disdain and cast away their mercy; and I ask them if they will come to such a trial and expel me. I defy them. I have constituents to go to who will have something to say if this House expels me. Nor will it be long before the gentlemen will see me here again."

During the next few days there was disorder in the House. The Speaker found it difficult to enforce the rules; the public business was at a standstill; the Treasury was empty, and Congress provided no relief: everything else was neglected while the valiant old leader, as was his right, fought off his enemies as a lion would turn on dogs, with a courage which won the admiration of the nation. For several nights he tossed sleepless upon his bed, his nerves tense under the strain. On January 31 he made this entry:

"My occupations during this month have been confined entirely to the business of the House, and for the last ten days to the defense of myself against an extensive combination and conspiracy, in and out of Congress, to crush the liberties of the free people of this Union by disgracing me with a brand of censure and displacing me from the chair of the Committee of Foreign Affairs for my perseverance in presenting abolition petitions. I am in the midst of that fiery ordeal, and day and night are absorbed in the struggle to avert my ruin. God send me a good deliverance!"

It is a satisfaction to know, from unquestionable evidence, that Caleb Cushing was playing no double game. On February 3, Adams accused Gilmer directly of having approached Cushing with an offer to make the latter Chairman of the Foreign Relations Committee. Gilmer responded with a flat denial, which Cushing corroborated, declining, however, to name the member who had

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brought him the proposal. Adams, undeterred by these contradictions, reiterated the allegation that Gilmer had "tampered with his colleague"; and at length Rhett thought it wise to admit that he had been the one to broach the proposition to Cushing, who had indignantly repelled it, not only saying that he "neither could nor would consent to act" but also making a special appeal to Proffit to block the conspiracy. It is obvious, even from Adams's own biased testimony, that Cushing acted towards Adams as any honorable man would conduct himself towards a friend.

The defense made by Adams in the House was often vividly dramatic. Lord Morpeth, who sat by his side, did his utmost to encourage him against the overwhelming odds which he faced. There were moments, such as the one when Adams described Wise as coming into the House, his hands "dripping with the blood of murder,"¹ which made the hearts of the listeners beat faster, and seemed likely to precipitate a crisis. At last, however, Adams saw that his tormentors were weary of baiting him, and declared, on the 7th, his willingness to have the whole matter laid on the table forever. Such a motion, made by Botts, was carried, Cushing naturally voting in the affirmative, but in opposition to the others of the "Corporal's Guard." The acute point of danger being passed, the House took up the Haverhill Petition and refused to receive it, Cushing being again with the majority. Adams then proceeded triumphantly to present a long series of petitions concerning abolition and slavery, reading them with the air of a man who feels that his enemies have been scattered.

¹ This was a reference to the Graves-Cilley duel of 1838, in which Graves, over a matter of punctilio, forced a duel on Cilley, of Maine, and killed him. Wise was Graves's second.

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There was one more phase to this contest, before it could be entirely closed. At the meeting of the Committee of Foreign Relations on February 8, only Adams, Cushing, Granger, and Horace Everett appeared, the Southern members having resolved to abandon it. On the next morning, Gilmer, Hunter, Rhett, and Proffit sent to the Speaker a petition asking to be excused from further service, on the ground that the House would not remove Adams, whose conduct, they asserted, had shown him to be "an unsafe depository of this public trust," and under whom, as Chairman, they were unwilling to serve. The four rebellious ones were excused by a vote of acclamation, after some by-play exceedingly diverting to the House; and a fifth member, Cost Johnson, was released by a similar vote a few minutes later. Three of the five members named by the Speaker to replace those who had resigned also refused to serve; but, by February 22, the Committee was complete once more, and held a meeting at which every member was present. So once again Adams emerged from an embarrassing situation and triumphed over his foes.

Consideration of the controversy between Adams and the Southern members has led us away from the even more conspicuous manifestations of the quarrel between Tyler and Clay. We may be sure that Caleb Cushing took good care to ascertain all that could be learned about public sentiment during the autumn of 1841. From Horace Greeley, for instance, he had a long letter on December 17:

"I believe I may justly thank you for some part of the improvement which has recently taken place in the temper and tone in which those who claim to be the President's especial friends regard and address the great mass of the Whig Party, or, if you please, of Whig politicians. I do thank you for it

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right heartily. You know how difficult is the position of that portion of the Whig press which anxiously desires peace and concord. Every hard reflection on the course of the Whigs, coming from the atmosphere of the President's house, irritates the mass of our readers, and they murmur that the aspersion is not repelled, without inquiring whether it is in any manner attributable to the President, or whether retort would answer any good purpose. They feel with Shylock, 'If it will feed nothing else, it will feed my revenge.'

I doubt not that your good offices have been interposed with effect, and yet the *Madisonian* is unreasonably captious towards the Whigs. Why that attack on the constitution of the Fiscal Committee? How could a Committee more favorable be asked or selected? Then, again, in the last paper the article entitled 'Consistency' clearly takes the ground that every loco-foco office-holder should be continued, and that to remove one is proscription. Do you so understand it? I have ever been hostile to indiscriminating universal proscription, but I hold with Mr. Jefferson in 1801 (in the case of the New Haven Collector) that simple justice demands the confiding of at least half the valuable offices to that party which for twelve years has been denied any. Is not the doctrine sound? Does it not cover the whole ground? And, if so, does not the *Madisonian* deal harshly with the Whig Party in its frequent editorials on the subject, and especially in that of Thursday?

Look at our condition in this state: of our nine cities, six have loco-foco Postmasters, only one having been changed by Mr. Tyler. The six are filled by bitter loco-focos, appointed to reward party services, and serving for years under that tenure. . . .

These views apply to other cases. There are two grounds on which, it seems to me, many changes ought to be made: 1. Specific abuse of power; 2. To restore a just equilibrium in the distribution of official patronage, and to rebuke the proscription of the twelve years reign of Van Burenism. 'That done, we will return to the primitive tests, asking only, — Is he honest? Is he capable? Is he faithful to the Constitution?' (Jeff.).

Are these views sound? Is it desirable that there should be a complete restoration of concord between the President and

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the Whigs who have differed from him on the Bank question? If it be, a few Whig appointments in cases where specific reasons exist for removal, would do much, — very much, — to effect it.”

Cushing’s answer was exactly what might have been expected. Why, he said, should Tyler undertake to conciliate Whigs who had already ruled him out of the party? Why should the Administration go out of its way to please politicians who refused to desist from abusing the President? Had not a group of Whig Congressmen, in solemn conclave assembled, announced that they would no longer follow Tyler? Were not Whig newspapers every day assailing the President and his cabinet?

In reply, Greeley, who was not altogether pleased, wrote on December 29:

“I have yours of the 27th, and I write merely to say that you do not sufficiently consider the attitude and tone of the great body of the Whig press throughout the country. I am sure the kindly, cordial, conciliatory spirit of the Whig Press generally north and east of Washington could hardly be improved, and the exceptions hardly destroy the rule even south and west. Why not look at it in this light? What proportion do the denouncing press bear to the acquiescing? In my memory there was never so general a relinquishment of a cherished and favorite purpose and so patient a reception of a severe rebuke. That there was a little smarting at the first was unavoidable, but from the moment it was made apparent that the President was disposed to go as far as he could, the disposition to meet him has been gaining strength. I wish you had seen the *Evening Journal* (our leading paper) striving for that result and how well it has been sustained by our press generally.

How the President will act with regard to appointments and general political relations, I cannot say; but it seems to me the evident dictate of sound policy that he should meet the efforts of his friends with like cordiality and earnestness. I have not

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an intimate friend and certainly not a relative, down to a twentieth cousin, who wants anything of him. But I think a few Whig appointments at this time, in place of loco-focos who have richly deserved removal, would tend very much to harmonize and reinvigorate the Whig Party, and restore its proper relation to the President. But he will do as he pleases, and I shall do what I can for the country. Whether he be Whig or otherwise, the settlement of the currency question on the basis of the Exchequer project, is a manifest dictate of duty and policy.

I hope you will be as favorable as you can to the plan of constituting the Board of Exchequer, without a resort to Presidential appointment. If there be any way to render this Board (or a majority of it) strictly independent of the President, I hope it will be adopted. I know it will make a difference of some votes."

Greeley's concluding references to the so-called Exchequer plan lead naturally to a discussion of Cushing's share in preparing a new financial project. The United States Bank was, as every one knew, now irretrievably defunct, and could not be revived. But Tyler had just returned from a short vacation, during which he had been meditating on a financial scheme of his own, with which he dreamed of pacifying the disappointed and angry advocates of a Bank. In his first annual message, then, he stated plainly that the Treasury was about to face a deficit and must have larger permanent revenues; and he proceeded to outline, in a very general way, the plan which he had devised.

Caleb Cushing, as we have seen, had been made the Chairman of a Special Committee on Finance, and, in this capacity, called upon the Secretary of the Treasury for the specifications of the new plan. Six days later Forward presented the draft of an Exchequer Bill embodying Tyler's chief ideas. First of all, a Board was

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to be created, called "The Exchequer of the United States," and consisting (in complete disregard of Greeley's advice) of the Secretary of the Treasury, the Treasurer of the United States, and three Commissioners appointed by the President. This Board would have agencies in the various states. In addition, Forward's plan had other features: the extension of the term of the bonds authorized at the previous session; a reissue of five million dollars in Treasury Notes; a revision of the tariff; a continuation of the distribution of the proceeds from the sale of the public lands; and the prohibition of any increase in tariff duties beyond twenty per cent, — the proportion which, if exceeded, would automatically, by the terms of the Compromise of 1833, stop the distribution of receipts from the public lands.

Secretary Forward's proposals, although at first consideration rather complicated, were actually simple enough, and met with favorable comment from many quarters. They were referred in the House to the Select Committee "on the Finances and the Currency," the Chairman of which, Caleb Cushing, at once undertook the difficult task of preparing a bill which would meet the requirements of both the President and his critics. He consulted, among others, the venerable Albert Gallatin, who, in answer to some queries, wrote him:

"I am averse to the issuing of a paper currency, by Government, of the same character as Bank Notes as contemplated by the Report of the Sect. of the Treasury, and equally so to Government dealing in any way with Exchanges, otherwise than for its express wants and purposes."

Gallatin took the trouble to send him a week later a long report, in which he developed some of his criticism

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in detail. Indeed Cushing was taking every precaution to get in touch with different shades of public opinion. He knew very well the dangers of his position, and he had been warned by correspondents all over the country that he must move carefully if he hoped not to be "hoist with his own petard." At last Cushing reported a bill from his Committee, recommending substantially the plan as suggested by Tyler and Forward and submitting legislation necessary to put it into effect.

The proposals presented by Cushing had unquestionably much merit. Isaac Hill, of New Hampshire, an inveterate opponent of a United States Bank, wrote Cushing in March, praising the Exchequer scheme highly. The cabinet on the whole approved of it. Webster, in his Faneuil Hall Address, September 30, 1842, said:

"The subject of the currency has been the study of my life. . . . And I take the responsibility of saying that the measure then submitted to Congress was the best and the only measure for the adoption of Congress and trial by the people. I am ready to stake my reputation, — and it is all I have to stake, — upon it, and that if the Whig Congress will take the measure, and give it a fair trial for three years, it will be admitted by the whole American people to have proved the most beneficial institution ever established, the Constitution excepted."

This was strong language, coming from a man who was not easily swept from his moorings. But the question was to be decided, not by reason or argument, but by partisanship and political animosity. Clay and the Whigs had resolved that, no matter to what a pass they brought the country, Tyler should not have his Exchequer. The Democrats, on the other hand, suspected that Cushing was attempting, in some surreptitious way,

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to reëstablish a Bank in the United States. The New York *Evening Post* said of it:

“We regard it as a masked national bank with vast and dangerous powers so well wrapped from sight, however, that even those who proposed it seem not to have been aware of them.”

No one seemed to be enthusiastic about pushing the bill through the House, and public sentiment was far from encouraging.

Meanwhile the House was spending week after week in vain wrangling, and Cushing's measure slept peacefully without being brought up. Cushing, under the circumstances, grew disturbed. On April 4, he wrote to Messrs. Gale and Seaton the following letter:

“In the *Intelligencer* of this day, there is an editorial article, which appears to be a kind of programme of the remaining business of the House of Representatives.

This article wholly omits to mention the Exchequer Bill now pending in the House.

I might have supposed this omission to be an accidental one, but for other circumstances, which force upon me the conviction of there being, on the part of the *Intelligencer*, a set purpose of suppression, and of studied depreciation, towards the Exchequer Bill of the House.

When the two Bills of the Senate & of the House first appeared, all the commendation of the *Intelligencer* was reserved for the Senate Bill exclusively, and the House Bill was, by implication, rejected & condemned.

The *Intelligencer* thus propagated the idea of there being some mysterious excellence in the Senate Bill, & some mysterious defect in the House Bill, which ought to cause the adoption of the one & the rejection of the other.

In like manner, the *Intelligencer*, in its extracts from other papers on the subject, has seemed to copy those only which had taken up & acted upon its own idea of unreasoning discrimination between the two Bills.

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In point of fact, all the qualities of excellence, for which the *Intelligencer* has applauded the Senate Bill, are common to that & the House Bill both; there is no such radical difference between the two as the *Intelligencer* by implication assumes; and if it approves one, it ought in justice and fairness to approve the other.

There are, it is true, differences between the two bills. If the *Intelligencer* had approved the one & disapproved the other because of these differences, there would have been no cause to complain. But it has done no such thing. I have not indicated any grounds of preference. On the contrary, it has praised the one, & depreciated the other, in view of properties common to both.

I beg not to be understood as, in this, intending to say anything in favor of one Bill against the other, on account of such differences as there are between them. On the contrary, I am complaining of the *Intelligencer* for having done this when there is no consideration of such differences to warrant it, & of course no reason or cause for it intrinsic to the merits of the question.

There being no reason or cause intrinsic to the merits of the two bills to justify these acts on the part of the *Intelligencer*, I am constrained to look beyond those merits, in search of the inducements it has so to do.

I can conceive of no motive for this; I have heard none suggested or conjectures, except the following:

It seems to be thought by the *Intelligencer* that the House Bill cannot pass, because of its having come from a Committee constituted in major part of declared friends of the Administration; & that because the Senate Committee is otherwise constituted, the Senate Bill can pass.

This thought is injurious to the Whig members of Congress, & it is injurious to the public interests.

It is injurious to the Whig members of Congress, because it implies that, in their votes for or against a particular Bill, they are to be governed, not by the merits of the Bill itself, but by the consideration of who reported the Bill.

It is injurious to the public interests because it is not possible now to know what the result of discussion of the two Bills in Congress will be, whether to approximate the Senate Bill by

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amendments to identify with the House Bill, or the House Bill to the Senate Bill; and all unfairness towards the House Bill, therefore, puts in peril the final result, which you yourselves desire to see accomplished, of a speedy & amicable settlement of the currency question."

This letter is additional evidence, — if such evidence is required, — of Cushing's delusion that men can be led by argument. The majority of men, — even Congressmen of the United States, — are driven to their decisions by emotions and prejudices rather than by cold reason. The motives which govern the actions of individual people are seldom altogether simple, but only in rare instances is the weighing of evidence the deciding factor. Cushing might have written a hundred letters to the newspapers and have debated the matter over countless pages, — Congress would not act. Despite all his efforts, he was not permitted to bring up the Exchequer for discussion during that session.

Indeed this particular Congress was rapidly becoming notorious for its incompetency. Ignoring the seriousness of the financial situation, indifferent to the protests of men of business, the so-called representatives of the people continued to play their little political games and to engage in backstairs intrigues. Occasionally the members roused from their lethargy to pass an absolutely necessary measure. On March 1, Forward sent to the President a memorandum pointing out that, at the regular increase of debt, there would be, on June 1, a deficit of over \$3,250,000; and Tyler transmitted the document to the House, with a request for "prompt and speedy action." This message did induce the House to pass the Loan Bill, permitting the borrowing of \$17,000,000 for twenty years; it was rushed through

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with unprecedented speed and received the President's signature.

This measure, however, was obviously a mere temporary expedient for the relief of a dangerous financial situation. As every Congressman was well aware, Clay's Compromise Tariff Bill of 1833 was now about to expire. On June 30, 1842, all duties on foreign imports exceeding twenty per cent *ad valorem* would automatically be reduced to a general rate of twenty per cent, and a large source of revenue would thus be sharply cut off. It was sufficiently evident, therefore, that whatever action was to be taken must be planned at once. There was also another feature to be considered. By an act of September, 1841, all distribution among the states of the money received from the public lands was forbidden whenever the duties on imports were above twenty per cent *ad valorem*,—the plan having been, of course, to keep down the tariff receipts to the amount required for legitimate government expenses.

The tariff in every political generation is a fruitful source of Congressional wrangling, and only too often consumes time which might be devoted to more important matters. Clay, weary of his unprofitable struggle against Tyler and desirous of launching his campaign for the Presidency in 1844, had left the Senate on March 31; and his followers, deprived of his vigorous leadership, seemed to flounder aimlessly about. In the House, also, the Whigs made little progress, and their dilatory tactics brought upon the members the righteous wrath of the nation. It is to Caleb Cushing's credit that he was constantly insisting on the necessity for action, and taking a fearless and conspicuous part in every debate.

The struggle over the tariff developed little by little

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into another phase of the warfare between the Whigs and John Tyler. The Whigs, unable to agree upon any permanent plan of tariff arrangement, but compelled to provide some form of tariff before June 30, forced through the House a temporary and ill-considered measure, — known in the parlance of the day as the “Little Tariff.” This suspended for one month the provisions of the Compromise Act of 1833, but included certain provisions highly obnoxious to the President, among them a clause which had the legal effect of allowing the distribution of the proceeds of the public land sales while the tariff rate was over twenty per cent. Although the “Little Tariff” bill did suspend the distribution of the public land money during July, it permitted such distribution to go into effect again on August 1.

On Wednesday, June 29, John Tyler, Jr., the President’s Secretary, appeared below the bar of the House with a veto of the “Little Tariff,” in which Tyler had summarized, in a courteous and patient way, his objections to the bill. His action, though exceedingly irritating to the Clay Whigs, was undoubtedly expected and justified. The Treasury was depleted; the government was contemplating increased taxation and was actually borrowing funds; yet it was proposed to continue to distribute among the states the revenue from a very lucrative source. Caleb Cushing has left for us an admirable defense of Tyler in a letter written to one of his constituents, Daniel Knapp, of Lowell, who had told him that he could not approve of his course on the tariff question. In reply, Cushing said, July 16:

“I have yours of the 11th, & while I regret the difference of opinion which seems to exist between us, I am grateful for the spirit of moderation & good feeling in which you express it.

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For party purposes, great pains are taken to conceal the true question from the knowledge of the people; who are thus to be made the victims of presidential aspirants. I beg you will permit me to state the facts as I understand them.

The present revenues of the Federal Government are greatly inadequate for the wants of the Treasury & have been for several years; in consequence of which there is a daily accumulating debt, and the Government is excessively embarrassed. For this, the only remedy is a new tariff of duties, coupled with a careful husbandry of all the resources of the Government.

Such a tariff, with proper discrimination in the duties in favor of domestic industry, is equally needed, also, by the condition of the manufacturing, mining, agricultural, & trading interests of the country.

And such a tariff the Administration & its friends are extremely anxious to have Congress pass, and the President would most cordially approve.

But a difficulty has arisen upon a very collateral question, with which certain of the Whigs in Congress insist upon saddling the tariff question. At the last session, an act of Congress was passed, providing for the distribution of the sales of the public lands among the several states, & subject to two conditions: one, that there shall be no distribution in time of war, & the other that there shall be no distribution *when any of the duties under the tariff exceeds twenty per cent.*

This latter condition was moved in the Senate by Mr. Berrien, & supported by Mr. Clay & his friends & carried by their votes in the Senate & the House, and so the matter was settled at the last session of Congress.

But now the same gentlemen, who settled the limitation of distribution, say to us: repeal the limitation, or you shall have no tariff; stop the navy appropriation, stop the army appropriation, stop the tariff, stop the government, but give us distribution *unlimited.*

The question, then, for my constituents to decide, is, whether they are willing to sacrifice the tariff, the army, the navy, & the government, in order to contend two years for the repeal of the limitation on distribution, which the Whigs themselves have imposed by the act of the last session? I do not think this

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would be for their interests; and I do not believe that, understanding the facts, they would think so.

For what is this *land distribution*, for the sake of which they would have us give up the tariff? It does not amount at present to a million of dollars per annum; it is not likely soon to exceed two millions. Take the largest sum, two millions, & divide it among all the people of the United States: how many cents will you get to your share? I beg you to figure this out, and see whether the play is worth the candle. And if you take out of the Treasury two millions and divide it, must not you raise two millions in its place by *additional taxes* to put back into the Treasury to carry on the Government. For remember, we have no surplus to divide; we have got to borrow money, in the name of the Federal Government, in order to distribute it among the states.

And, when it comes to that, let me ask the hard-working people of Massachusetts whether they are willing to be taxed to pay the State debts of Pennsylvania, Maryland, Illinois, etc.? For, when there is a deficit in the U. S. Treasury, that is what distribution amounts to.

But in fact this distribution question is a political hobby. It is a game of politicians, to which to me it seems foolish to sacrifice everything else. I think the country needs a good tariff, & that this great object ought not to be thrown away for the sake of 'heading Captain Tyler.'

If, on the other hand, my constituents desire that the tariff, the army & navy, the honor & credit of the government, should be sacrificed in the fruitless attempt to gain for them a cent or a few cents a head distribution money, I hope they will give me precise instructions to that effect."

No reasonable man can doubt that Tyler was right in vetoing such an absurd project as the "Little Tariff," and that Caleb Cushing was right in supporting him. The President, as a matter of fact, was performing a distinct service to the nation. He had obtained from his Attorney-General an opinion that the existing laws would, in an emergency like that which would confront the government after June 30, be sufficient to ensure

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the collection of duties. The Whigs, however, were not disposed to listen to reason. Bedlam seemed to break loose in the House. Cost Johnson, Holmes, of South Carolina, Granger, Saltonstall, and Fillmore all took part in the debate; and Caleb Cushing closed the discussion for the day in an address defending Tyler's position and upholding the veto power as a valuable and indispensable feature of the American governmental plan. In his *Diary*, the caustic Adams calls Cushing's speech "a burst of Jesuitism and double dealing"; but the present day reader will be likely to think it an exhibition of merciless logic. The truth is that Adams and his party were helpless; they denounced the President, they talked menacingly yet vaguely of impeachment, but they were well aware that they could never command a sufficient vote to put their threats into effect.

Indeed the Whigs were now so much exasperated that they seized upon even the slightest pretext for harassing the President. Tyler had affixed his signature to the Apportionment Bill, but had also attached his reasons for signing it. This apparently inoffensive act drove the Clay men into a fury. Making the most of a small detail which would ordinarily have gone by without question, they insisted that the Executive had no constitutional right to send to the House his arguments for approving a measure passed by Congress. Once more Caleb Cushing, who was now recognized as Tyler's spokesman in the House, rose to justify the President, quoting extensively from *The Federalist* to prove that the President's course was in full accord with the plan of the founders of the republic.

Another incident of the same trivial origin developed from a resolution requiring the Secretary of War to communicate certain reports relative to the affairs of the

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Cherokee Indians. On June 1, Spencer sent a courteous answer, stating that, with the President's approbation, he must withhold this information, on the ground that its disclosure would be "inconsistent with the public interest." Cooper, of Pennsylvania, having assailed the Executive for his alleged failure to meet the demands of Congress, Caleb Cushing once more appeared as Tyler's attorney before the House. He maintained that Tyler was entirely within his legal rights in declining to furnish facts regarding a "pending negotiation"; and he argued with convincing force that the House had no method of compelling the President to comply with its wishes. Adams followed with an equally detailed discussion of the subject, in the course of which he expressed himself as dissenting "with great reluctance" from the whole of Cushing's opinion. This nice constitutional question was reopened on July 2, when Cushing, replying to Adams, asserted that the House in its political capacity had no authority to send for a paper from one of the departments; that it could do this only by acting in its judicial capacity, through the medium of a *subpoena*; and that, in any case, it could demand only an authenticated copy of the document desired. This affair, which was another victory for Tyler, was merely a new phase of the conflict between the two branches of government, — the Legislative and the Executive.

The President was a very determined person, but the House was no less obstinate. In July, while the burning sun of Washington grew hotter and hotter, the House proceeded to pass a permanent Tariff Bill, but with a distribution clause similar to that in the "Little Tariff" and therefore distasteful to Tyler. No self-respecting Chief Magistrate could allow himself to be thus bullied into submission. Undaunted by opposition

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or obloquy, Tyler sent to the house, on August 9, another veto, with a full statement of his objections, all of which, he rightly said, could have been anticipated. Adams was now beside himself with rage. In the face of well-grounded protests from Wise and Cushing, he led a movement to refer the veto, in a way which had no precedent whatever, to a Select Committee of Thirteen, of which Adams was naturally made Chairman. The formal report of this Committee, signed by ten members (the other three disagreeing), was presented just a week later, and proved to be a scathing indictment of Tyler's conduct, denouncing him with all the unrestrained savagery and ill-nature of which Adams, in his bitterest moods, was capable, for the four vetoes, which, it was alleged, had nullified the action of Congress on matters of supreme importance to the nation. The document concluded with an extraordinary proposal to amend the Constitution so that it would take only a majority of the members of Congress to override the Executive veto.

Up to this point, Adams and Cushing, while opposing one another in debate, had refrained from any personal denunciation. Adams had not hesitated to confide to the pages of his *Diary* his private opinion of Cushing. On August 2, for instance, after Cushing had pointed out the impropriety of the incessant abuse of the President, Adams wrote:

"Cushing has no moral principles, and would have been a Prodicus or a Gorgias, at Athens, in the days of Socrates."

Cushing, in his turn, was beginning to say, in his private letters, what he really thought of the ex-President. Judge Wilde wrote him during this session:

"A word more, — what you say of Mr. Adams is most just. He deserved the censure of the House & of the whole

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nation. He does more mischief, especially to the Northern states, than any other would or could do & I should consider his retiring from public life as a most auspicious event. He is perpetually leading Northern members into scrapes, & so putting them in the wrong, as they certainly are in these outrageous attacks on the South, encouraging as they do the abolitionists, who, if they can obtain the ascendancy, will certainly destroy the government & bring about a separation between the free & the slave-holding states."

But the two great champions of the Right of Petition had managed to maintain courteous personal relations. Such a condition, however, could not long endure. When, on August 10, Adams once more railed at the President, Cushing appeared again as Tyler's apologist, in a speech which Adams called "metaphysical and hair-splitting." On the 19th, moreover, Cushing made a long and thorough reply to Adams, which indicated that the two were now far apart politically, and that Cushing, having repeatedly treated his venerable colleague with the respect due to his age and attainments, was not, nevertheless, disposed to be longer the victim of his vituperation.

Caleb Cushing, indeed, had no cause to be ashamed of his part in the long controversy. Throughout the noisy debates in the House, he had stood as the dignified and consistent supporter of the administration. His choice had been made, and could not be altered. Out-numbered and out-voted, his courage did not fail him.¹ Deserted by his former friends, he still held to his position. Adams, whose battles for the Right of Petition

¹ John N. Cushing wrote his son from Newburyport, July 8, 1842: "I have not anything that is very important to say, except to advise you to stand firm in the position you have taken. The administration will stand and the Clay party will fall, and I think Mr. Tyler will be the people's man for the next President, — notwithstanding all that may be said by a few office-seekers against him."

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Cushing had so valiantly fought, was now a blind partisan, with apparently only one aim, — the overthrow of John Tyler. But Caleb Cushing had the consolation that his position, though momentarily unpopular, was logically unassailable. He trusted to the verdict of history for his vindication; and that verdict has been unmistakably in his favor.

The report of Adams and his Committee was, of course, accepted by the House, but it still proved to be impossible to pass the Tariff Bill over the President's veto. Furthermore an amendment to the Constitution, sanctioned by Clay and providing that a veto could be overridden by a majority vote of the whole number, fortunately failed to secure the necessary two-thirds vote. Meanwhile the Whigs found themselves unable to resist the concerted demand of the country for a bill which would stabilize business conditions. Clay wrote, unwisely, — "In my view of it, I think, our friends ought to stand firmly and resolutely for distribution." Adams also wanted no compromise. But there were still some men of sense in Congress who saw the absurdity of this attitude. A bill was prepared to meet Tyler's criticisms. The duties were now to be raised over twenty per cent, but there was to be no more distribution of the money from the sale of the public lands. After much recrimination, it passed the House, was approved by the Senate, and was signed by the President with a satisfaction which he did not conceal from his intimate friends. Clay's distribution project had been buried. In the duel between him and John Tyler, he had been worsted for the second time. Business gradually revived after the passage of the Tariff Bill, and signs of prosperity were reported from every quarter. The uncertainty of the preceding months was over.

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So much time was consumed during this session in discussing the tariff in all its phases, that little was left for other matters. There were, however, some important issues to which reference must be made. In May, 1841, Tyler, as a consequence of the discovery of "heavy losses and defalcations in the collection of the revenue" in the New York Custom House, appointed special commissioners to institute an investigation without the consent of Congress. The Whigs, seeking perpetually for a weak joint in the Executive armor, maintained that he had no constitutional right to initiate such an examination without the approval of the legislative branch. On May 4th and 9th Cushing expounded the legal phases of the matter, proving that Jackson and Van Buren, as well as Harrison, had employed, without objection, special agents to conduct similar investigations, and mentioning precedents even farther back. In this argument Cushing had the support of Adams, who, with his presidential experience to uphold him, gave it as his opinion that the President had the constitutional privilege of appointing agents of any grade, formal or informal, and that Congress is bound to provide for their compensation. In the course of this interesting debate, Cushing found himself at odds with Underwood, of Kentucky, who had charged Tyler with usurpation of the title of President. Cushing, with some satisfaction, brought out the fact that, when Tyler accepted this title, his course had been approved by both the Whig Cabinet and the Whig Congress. In this controversy Cushing gained one of his most notable victories.

The slavery dispute, for the moment somewhat overshadowed by the partisan struggle between the President and Congress, was, however, not altogether neglected. Cushing did not escape reminders from his

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own district that the anti-slavery movement was still alive. On August 8, 1841, Whittier wrote him a remarkable letter:

“The pro-slavery policy of the Administration is manifest, — open, — uncompromising. Well, I for one am glad of it. It will but hasten the day when Freedom shall grapple in earnest with her Antagonist. For my part, I do not see well how John Tyler and the Southern Senators could do otherwise than they do. If Slavery is ‘the corner-stone of our republican edifice,’ would it not be madness to bestow favor on those who are dealing blows upon it?”

Abolitionism is gaining fresh strength here, concentrating & combining. It will henceforth be as inexorable in its demands as Slavery has been. I attended a county meeting at Ipswich for the nomination of Senators last week. Fifty delegates from 15 towns were present. S. E. Sewall & Prof. Wright of Boston, Dr. Hunt of Danvers, & others addressed the delegates. It was a spirited meeting. Paschal Abbott, of Andover, Dr. Gote of Gloucester, Dr. Cogswell of Bradford, Col. Putnam of Danvers, and myself were nominated. This was contrary to my wishes, but under the circumstances I could not decline without embarrassing the friends of Ind. nominations. We are organized and determined, having become entirely satisfied that we have nothing to hope for from Whig or Democrat.

‘Trust not for Freedom to the Franks,
They have a king who buys and sells;
In native swords & native ranks
The only hope of Freedom dwells.’

This with slight modification is our language in reference to the Whig Administration. This will relieve our Whigs & Democrats from all suspicion of Abolitionism. They will take undisguisedly the position they have always more or less covertly maintained of hostility towards us. Let them fight the battles of Slavery, & grind in the Southern prison house, & make sport for their Phillistines. We have done with such service. ‘The time past,’ as the apostle says, ‘shall suffice to have wrought the will of the Gentiles.’

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Now, my dear friend, on which side of this struggle shall we find thee? For the present, it will be for thy interest to go with the South, but ten years from this time will make an entire revolution in public opinion. I have thus far done my best in conjunction with Dr. Cogswell and others of thy old friends to prevent any division among thy constituents on this question. But, in the nature of things it must come. Mr. Bartlett of Lowell is an Abolitionist and is already talked of. For myself, whatever might be my private feelings of friendship, I could not vote even for thee if I saw that my anti-slavery principles would not admit of such an act. With Luther at Worms, I should be compelled to say, 'It is neither safe nor prudent to do aught against conscience. Here stand I. I can not otherwise.'

But I will not allow myself to think of such an issue. Let me see thee on thy return, and we will talk over the matter as friends who have nothing to conceal from each other. In the meantime be assured that were my friendship less sincere, my letter would have been less abrupt & frank."

A really critical issue was raised in October, 1841, over the case of the *Creole*. This vessel, carrying over a hundred negro slaves, sailed from Hampton Roads for New Orleans. On the voyage the negroes mutinied, killed and wounded several persons, and compelled the crew to steer the ship to Nassau, where the blacks were all set free except nineteen, who were held for murder. There was naturally much excitement in the United States, especially among the Southerners and the Anglo-phobes, who were ready to make the action of the British officials in Nassau a *casus belli*.

On March 1, Congressman Joshua R. Giddings, of Ohio, offered some resolutions asserting, in accordance with the abolitionist view, that slavery was a state institution and that the *Creole* negroes, on leaving Virginia waters, ceased to be answerable to state laws. Much turbulence and some wild threats followed in the House,

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and Giddings finally withdrew the provocative resolutions, — not, however, before Caleb Cushing, whose attitude was strongly colored by his habitual animosity towards England, had taken occasion to say that he considered Giddings's argument to be pro-British and equivalent to treason. It is to Cushing's credit, however, that when, on the following day, the House passed a resolution of censure on Giddings, he voted in the minority, in favor of the Ohio Congressman. Cushing was apparently willing to twist the lion's tail and snarl at Great Britain; but he was not ready to countenance any infringement on free speech or any injustice to one of his colleagues. Giddings at once resigned, and, to Cushing's satisfaction, was later sent back by a greatly increased majority.

Cushing's support of "preparedness" measures was unqualified in this, as in the earlier sessions of which he had been a member. When it was evident that there was to be opposition to the proposed appropriation for the navy, Cushing, on May 17, 1842, stood courageously for the report of that department. He showed that the American fleet, only one-seventh the size of the great British navy, was altogether too small for our national defense; and he laughed at the idea that there might be danger to the liberties of the country from keeping the navy on its existing footing. On May 21, Adams noted in his *Diary*:

"Cushing had the floor from yesterday, and made an elaborate speech of two hours in defense of the Administration, and of the Secretary of the Navy and his report. His argument, as usual, was captious and sophistical, attempting to show that the Secretary's plan did not urge a present increase of the navy, but that McKay and Meriwether were contending for a decrease of the existing navy. Cushing affects to be the leader

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of the Administration members, and is much flattered when recognized by the Whigs and Democrats as a Cabinet Minister of the White House *in petto*, — as was done by McKay and Meriwether in replying to him this day; which they did with great earnestness.”

Again, on May 26, Cushing spoke for three hours opposing an amendment which provided that the Army Appropriation Bill should not allow our military forces to be increased beyond their existing numbers. Cushing’s speech, which was one of his ablest, has, as an expression of the “preparedness” doctrine, never been surpassed. He pointed out that there were eight great questions pending between the United States and Great Britain, and that a Minister Extraordinary, in the person of Lord Ashburton, had been sent to Washington to negotiate a settlement of them. At this moment Sir Robert Peel had recommended an increase in the army and navy; while we, in the United States, were actually contemplating what amounted to a decrease in our forces. His language is strikingly like that which Colonel Roosevelt used in 1917.

Fortunately the negotiations with Great Britain were progressing in such a way that we needed no army or navy to maintain our cause. Lord Ashburton had arrived in the United States in April, 1842, and on April 21, Cushing had dined with him at Webster’s home at 1611 H Street, in a distinguished company, of whom Adams, Granger, Evans, and Talmadge were members. Cushing had helped materially in supplying Webster with information on the mooted questions between the two nations. On February 26, Webster sent him a note:

“I have rec’d your interesting note of yesterday on the subject of the N.W. Boundary. Pray let me see you, on that & kindred subjects, at your earliest leisure. I shall be at home this eve’g,

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or will come to your lodgings, if convenient for you to give me one-half an hour."

This was only one of many conferences which took place between the two and which assisted in determining the policy of the Department of State. During this same period Cushing was in correspondence with Edward Everett, who, from London, could throw some light on the problems being settled in Washington. Finally the Treaty, signed August 9, was submitted to the Senate, and, after a week's debate, was ratified on August 26, the vote being 38 to 9. On the same day in the House, Cushing, in reply to some critical observations by Ingersoll, of Pennsylvania, went into a detailed defense of the Treaty, expressing gratification that "an arrangement had at length been agreed upon by which we could maintain peace and preserve untarnished at the same time the national honor of the United States."

The session closed on August 31, 1842, having covered two hundred and sixty-nine days, the longest period which, up to that time, had been occupied by any single sitting. Cushing's part in debate had been most significant. He wrote the *Independent*, in April:

"If you have carefully observed the course of things in the House the present session, you must have seen that I have abstained from debate as much as possible, and that when I have spoken at all, I have spoken briefly to the precise question before the House."

This was doubtless a fact at the time when it was written; but within a few weeks, Cushing was in almost constant argument with the antagonists of the administration. More and more he came to be regarded as the leader of the Tyler group in the House, and he bore himself with credit and dignity. The Corporal's Guard

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rarely had numbers on their side, but they usually had most of the logic. On the whole, Cushing gained steadily in power and effectiveness during the long session of 1841-1842.

It must be remembered, moreover, that Cushing's decision to stand by Tyler had not, as yet, transformed him into a Democrat, — at least in his own opinion. He still was in accord with Webster, whose course he had throughout approved. On September 30, 1842, Webster made his famous address in Faneuil Hall, in which he reviewed his conduct during the preceding months, rebuked those who had planned to rule him out of the Whig Party, and defended Tyler's policies. He declared audaciously that he would make no pledges, but would act always as his conscience dictated. "I am, gentlemen," he said, "a little hard to coax, but as to being driven, that is out of the question." Webster's speech on this occasion may be said to voice almost exactly the political views of Caleb Cushing on that date.

But Caleb Cushing, unlike Webster, was not powerful enough to dictate terms to the Whig Party. It is interesting, in this connection, to follow the attitude of a strong Webster paper, like the Boston *Atlas*, towards Cushing through the long session. The *Atlas* went out of its way to praise Cushing's Exchequer scheme; it spoke of his conduct during his difficulty with Adams as "prudent, manly, and honorable"; and it accused the Clay Whigs of "a most gross dereliction of their duty." It highly commended Cushing for his defense of the Naval Appropriation Bill, and his insistence on an adequate measure of national "preparedness." Then came Tyler's vetoes of the Tariff Bills, and the *Atlas*, the organ of New England manufacturers and the advocate of high protection, turned against Cushing. When he

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undertook to justify the President, the *Atlas*, on July 11, said of him:

"We have watched his course with interest, and have noted his failings. He began by vascillation [sic], and has ended in apostasy. His speeches have been little else but specimens of adroit bushfighting in argument. They bear, on their face, the insidious character of publicity, and are but so many abortive attempts to serve God and Mammon. The mask is now thrown off, and the unblushing apologist for actions which he once condemned, closes his career with his colleagues by voting openly against the Tariff Bill, — as a sort of doxology to his course."

It was, then, Cushing's alleged unfaithfulness to the New England protectionists that aroused the deepest resentment, and in the end, led the Massachusetts Whigs to be more bitter against him than against Webster. When Cushing returned from Washington in September, he was not unaware that he should have to confront many overt and some open enemies; but he had some reason for viewing this condition with complacency. He was assured by numerous correspondents that a seat in the cabinet would soon be his. The New York *Tribune* announced in September that Forward was about to retire from the Treasury in favor of Cushing. W. W. Irwin wrote him from Philadelphia, September 23:

"I rec'd your favor of the 20th by the mail of yesterday. On the day before I met Mr. Marks on Chestnut Street, and he informed me that Mr. Forward *had gone* to the Rip Raps, with the view, as I understood, of getting the period of his stay in the Cabinet extended to the first of December. Yesterday I met with Mr. Tyson, who told me that Marks informed him of Mr. Forward's intention to resign. For your sake, I trust that the matter will be settled one way or the other *instantly*."

William Taggard, a New York friend, wrote him on the same day:

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"I am very glad to hear that you are coming into the Cabinet, as Secretary of the Treasury, I understand, there to interpret the Tariff Act for which the people are mainly indebted to your untiring exertion in causing it to be separated from the distribution of the land fund, — a connection that never ought to have been made."

But the news, whether Cushing cared for it or not, proved to be a bit ill-timed. On September 29, he heard from the journalist, C. W. March, in Washington, to this effect:

"You will see in the *Madisonian* of this morning, a publication of the fact that the Pres. offered his Cabinet to decline a reelection if they supposed it necessary to save his motives from the charge of selfishness and evil purposes. Rob't Tyler wished me to put it in, and I did so. . . . Forward says now he has no intention of leaving the Cabinet, and wonders any such rumors should prevail. Rob't Tyler tells me he has good news from the Rip Raps for you. What it is I suppose he will communicate."

In the same mail came to Cushing a note from B. H. Cheever, also then in Washington, reading in part as follows:

"Mr. Forward called on us this morning. After the usual civilities, I referred to the editorial in the *Globe* of the 27th inst., which says, 'It is now generally understood as settled that Mr. Forward goes out and Mr. Cushing comes in on the 30th inst.'

Mr. F. says in reply in substance that 'the most cordial relations had, & continued to exist between the President & himself, that he had had little or no conversation with him on *any* business for many weeks, that so far he had never intimated anything of this kind to him, that he cares not a fig about staying, as his most intimate friends know, if he does leave, he does so he presumes of his own accord, and not from the least wish or intimation of the President. . . . He seems quite nervous, but quite free and talkative. From these &

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some other remarks, I conclude he is only waiting to see the course of Mr. Webster to-morrow. Should he leave the Cabinet, or even come out against Clay and Davis, then would Mr. F. take the next conveyance to Pittsburg & not be heard from for the next 10 years; otherwise he will wait for orders from the Capt."

As matters turned out, Cushing did not receive a cabinet position at this time. He was, however, greeted at his home like a returning hero. His friend, De Ford, wrote him from Newburyport, September 22:

"Day after day many of your friends have assembled at the depot in hopes to greet you, and at this moment the match ropes are burning, & we have one hundred rounds to shake the gall of the enemies of Cushing & Tyler the moment you touch your two feet upon the soil of Newburyport. We shall plant our guns on the rise of ground at the head of State Street, and they will ring out your welcome, not only to the ears of your old opponents who are out to a man among the Whigs, but to the few recreant friends who condemn your course, and who have been neither candid nor kind in their remarks to you nor in their treatment to some of those who love you, & whom you love."

Two nights later Cushing did arrive in Newburyport, and was met by a great crowd of admirers, who literally carried him to his home, where he had to address them for half an hour. The incident was well reported by the New England press, and Adams, a cool observer, made an entry in his *Diary* for October 1:

"Caleb Cushing, too, has had a magnificent reception at Newburyport, and the signs of the Tyler party are much stronger than I could have imagined."

Cushing, however, knew only too well that parades, band music, and the sound of cannon do not always represent votes. He spent the next few days in getting in

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touch with his district, and communicating with his friends. On September 26, George Bancroft wrote him from Boston:

“Here the world hardly knows what end it stands on. Mr. Webster’s position is a little mysterious. Has he hopes yet of one day being President? His immediate personal friends are advising him not to resign. The Clay party are earnest that he should, as they wish to go at Tyler, tomahawk in hand. The Clay Whigs pass their time in denouncing Mr. Tyler; their eloquence, logic, spleen, & all, have but that one channel to escape. I thought instead of seeing a friend of yours, I should have seen you in Boston before now.”

Cushing had at least one long conference with Webster in Boston on October 6, in which the two men talked with the utmost frankness about the future. On the following evening, in the Temple Street Church, in Newburyport, Cushing gave an account of his stewardship before a large audience of his constituents. He himself dated the open criticism of his conduct from the day of his speech against the “Little Tariff,” on June 29, 1842. Up to that moment, he said, he had received from his district no complaint whatever of his attitude in Congress. He then proceeded to explain his own position towards the President:

“Remember that when Mr. Tyler is charged with perfidy, it is not perfidy to the constitution, nor to the government, but to an assumed party platform and pledge. It is not a mere party quarrel. . . . There was no quarrel upon any question but one. . . . I mean in regard to the Bank of the United States. The issue . . . made by Henry Clay and by him forced upon the Harrison cabinet is the source of all the subsequent political and party evils, the moving cause of the quarrel and of the present distracted state of the Whigs.”

Caleb Cushing, to put the matter more definitely,

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looked upon the struggles of the two preceding sessions as simply manifestations of a quarrel between Clay and Tyler, brought to a head by the former's inordinate ambition and arrogance. Continuing his argument at a speech in Lowell on October 11, Cushing declared that the naming of Clay for the Presidency "on a certain day in June last" was a serious blunder:

"I knew and said that the premature discussion of the succession to the Presidency would shatter the Whig party to fragments, — as it has shattered it."

But there is no indication whatever at this period that Cushing considered himself to belong in any fold except that of the Whig Party. Like Webster, he was a "Faneuil Hall Whig," and he did not choose to be summarily discarded simply because he did not agree with Henry Clay.

Cushing's addresses at Newburyport and Lowell were very well received. March wrote him from Washington, October 12:

"Mr. Jones read me your letter from which I find you intend canvassing your district for reelection. If my poor services can avail in the slightest degree or in any way in the promotion of your wishes, send for me and I will be with you at a moment's warning.

Your speech has put us all in an ecstatic state. The White House is animated with the liveliest rejoicings, and every one is loud in its praise. You have not spared the 'Whigs,' and they won't spare you. In the abstract of the *Boston Courier* which we rec'd yesterday, you were made to say 'we had now as in 1841 a Whig President,' which rather put us on the back-track, and the leader in yesterday's *Madisonian* noticed it. I thought it well to 'keep it before the people' that Tyler's vetoes needed no defense, and therefore I may have unintentionally given you the idea I intended to disparage that part of your address, which certainly was most remote from my

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imagination. . . . Redwood Fisher leaves this afternoon for home; he has been here a week or so and pledges us good news from New York. He is very much disappointed, — so are we all, — you do not go immediately into the Treasury, as we are afraid you may be postponing, to your future injury, the favorable opening now presented you. . . . I hope you intend taking the Democratic ground in the coming contest, so we may go into it with some animating principles. The ultra Whigs say you will be beaten 'all hollow' in your district. I have just been conversing with one fresh from that part of the country. However, he is a *reformed* Whig. Daniel Webster says that his speech will make either John Tyler or himself President. Is there not some virtue in that *or?* ”

C. W. Woodbury wrote from Beverly, September 8:

“We had a grand convention yesterday. Rantoul did the handsome thing for you, in his speech. Bye the bye, your speech yesterday is considered exceedingly happy by those who heard it. Old Mr. Rantoul came home very much pleased, and I heard him say he tried to get a chance to thank you in person, but thought he had better be sure of the cars than wait.”

Cushing had now to consider the difficult question as to whether he would once more be a candidate for a Congressional nomination. He knew, of course, that Tyler intended to offer him a cabinet position; but he wanted, above all things, to avoid giving the impression that he was leaving the Whig Party or that he could be kept, through fear, from running again in his district. The Massachusetts Whigs had already, in their state convention, named Clay as their Presidential candidate in 1844. Henry Johnson, Cushing's Newburyport correspondent, wrote him in late September:

“The Clay men are confidently asserting that you cannot again be elected in this district, but I do not believe that such would be the fact if you were again a candidate. It is a part of their policy to make it appear that everybody is in favor of

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Mr. Clay & everybody is against you, in the district and state, but it is not so with the people with whom I converse. It is true that some of your old friends are strong Clay men, but I do not believe that a very large portion of them are. The course of Mr. Clay & his friends is not approved of by a large portion of the judicious & reflecting men of the Whig Party with us in this town, &, as I learn, in other towns in the district. It would, however, be a hard contest if there were three candidates in the field, but I believe that you would finally be elected. . . . I fear that your friends here will feel neglected if you do not come & see them. I would come if I staid for two or three days only. Your presence will, I think, do more to satisfy the people than anything that can be done."

Paul R. George was not enthusiastic about Cushing's candidacy. On October 1, he wrote:

"I write particularly to urge you will *not* run a candidate. Get some friend to run. I only write as it seems to me best. I think in a few days events will transpire at Washington to show more clearly than now your course about being a candidate. Mr. Spencer writes me to-day President Tyler will be back the first of the week & will, he thinks, set on Cabinet matters very soon after his return. All looks well here so far as yourself is concerned. Your reception was joyous. It seems to me the Whigs there might think that you did 'want that thunder'."

We may be sure that in the days preceding the district convention on October 17, at Andover, Caleb Cushing's mind was disturbed by doubt as to his best course of action. On the very morning of the Whig assembly the Newburyport *Herald* said editorially:

"The convention for nominating a candidate for Representative to Congress meets at Andover, to-day. We see no reason why Mr. Cushing should fail to receive this nomination. The only grounds of offense which can be alleged against him are that he has refused to join in denunciation of the President, and dissented from entering into a premature electioneering

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campaign for the succession. If for this difference of opinion, — this refusal to enter into party harness on mere questions of time and expediency, — Mr. Webster and Mr. Cushing are to be excommunicated and proscribed, it will need no prophet's vision to foretell the destiny of the Whig party, in Massachusetts at least."

Whether Cushing could have received the Whig nomination at Andover is not altogether easy to determine, and it is equally hard to ascertain whether he, in his heart, really wished it. The fact is that, at some of the secret conferences which invariably precede such conventions, Cushing let it be intimated that he would renounce his candidacy, but only if he were given an opportunity definitely to decline the honor. This compromise having been arranged, the program was carried through with perfect ease. The Honorable Daniel Adams, of Newbury, President of the Convention, promptly appointed a committee of eleven members to recommend a candidate. This committee, headed by Cushing's friend, Samuel T. De Ford, solemnly reported in favor of Caleb Cushing. In the afternoon, after a preliminary ballot in which Cushing received 22 votes to 12 for John P. Robinson, of Lowell, Mr. DeFord rose, and, on behalf of Mr. Cushing, declined the nomination. Robinson was then nominated by a considerable majority. Thus Cushing, by a shrewd device, escaped with honor and dignity from a contest which might have been embarrassing to himself personally and detrimental to the prospects of the administration. But he had no intention of letting it be thought that he had through any "craven scruple" fled from the fury of a campaign in which he might have been defeated. On October 26, therefore, he sent the following letter to the Newburyport *Herald*:

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"I have received information that it is the avowed purpose of many of the electors of this district to cast their votes for me in the coming election for Congress, notwithstanding that I have declined to be a candidate. I am deeply sensible to the persevering regard for me which this purpose indicates. But I beg of the gentlemen, by their friendship for me, not to do this. I have declined to run, in part for the sake of the peace and repose of the district. I do not wish from any consideration of pride of my own, to be the means of disturbing it. At the same time, I do most pointedly and emphatically negative the idea that I am induced to decline through the least belief or apprehension that a majority of the people of this district, of *either party*, could be found, if I were a candidate, to withhold from me their suffrages, on account of my having adhered in national politics to Mr. Tyler and Mr. Webster. On the contrary, I have ample evidence that such would not be the case. And in all good will, therefore, towards the several candidates for Congress in this district, I warn them that it will be fatal to their aspirations to seek to make party capital out of this election, as against Mr. Tyler and Mr. Webster."

The days following the Convention brought to Cushing the comments of his friends on the result. The indefatigable Paul R. George wrote on that evening to Cushing:

"I have just learned the gratifying result of the Convention, good in two respects under the circumstances; liberal towards yourself & unfortunate in the candidate selected, for your enemies, as it will afford an opportunity for a coalition with Mansur [the Democratic candidate], which, I have no doubt, will result favorably to the Administration interest. . . . If you are so much disengaged as to be at the Tremont House that I may find you Tuesday eve, to-morrow, I would like it, for this reason, — to present my view to you of your interest in view of the coming contest. The object, if it can be effected, is this, — to elect Mansur, & make him your organ in Congress. I have talked a little with Mansur, & after seeing you, can better judge its utility."

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John Tyler himself wrote Cushing from Washington on October 20:

"I am greatly obliged to you for your last letters and still more for your speeches at Newburyport and Lowell. You have left but little more to be said or done.

As to your State Convention, with Abbot Lawrence at its head (who told me, by the by, when here, that he was wedded to no man and belonged to no man) it has sounded but another death-knell to Ultra-Whiggery. If there be any Straightouts with you, viz., those who came out from the Jackson Party in 1833, then they will follow the example of the Straightouts in Ohio, and tell the Ultras where they are to be found.

I do not see that a failure to obtain the Whig nomination is going to harm you in the slightest degree; it will but serve to identify you more thoroughly with the Republicans, and render you more acceptable to them all over the Union. Cheever called to-day and informed me that he had a letter from you in which you said that you would be here in a few days. Upon your arrival we will talk over matters of graver import. In the meantime be assured of my constant regard and esteem."

The hint thrown out by the President in his last paragraph, — obviously a reference to the cabinet, — was more broadly given in other letters, notably one from S. J. Burr, in Washington, dated October 19:

"I am inclined to think that Forward is ready to give place to you whenever Webster vacates his position. On this head it is rumored that Mr. W. desires to go to England as Special Minister to settle the remaining difficulties between the two countries and that he can go at once. Upon this subject I do not know the P.'s opinion as he is warm about the Secretary of State at present; but could matters be arranged in some way speedily (for there is not a moment to lose) the door of the Treasury would be open to you.

You stand at this moment in a critical situation. Events have placed you prominently before the nation, — more prominently, perhaps, than any one of your age. The main point

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for you is to maintain your ground. If you ran and were defeated, I fear that you yourself would be sensibly injured, and it can neither be the policy of the Administration to permit such a sacrifice nor any possible advantage to you. Should an ultra-Whig be elected from your district, it weakens your force in the House. If an ultra-Democrat is put in over your head, it is a demonstration against Mr. Tyler, and also destroys you forever. If successful as an independent candidate, it would be a glorious triumph of the people over party trammels; but if, as such, defeated, party papers would construe it against the administration and the mass would join in with that injurious construction. You must, my friend, adopt the scriptural injunction, and count the cost before you build your own house. . . . You are identified with the Administration, and every blow you receive is a blow at it, come whence it may. We are testing for the first time whether a Vice President is to enjoy the privileges and powers of a President under the constitutional provision for supplying a vacancy, — or be crushed by all parties. . . . In this crisis you need no advice, nor shall I pretend to give it, but your friends may frankly place their opinions before you and allow you to choose for yourself."

It was, perhaps, in order to threaten the other candidates in the district with Cushing's possible entrance into the contest that there was called, on October 27, a meeting of "independent electors . . . friendly to the Honorable Caleb Cushing and the National Administration," at Market Hall, in Newburyport. Resolutions were passed commending Cushing for his "devotion to the interests of his constituents" and his "efficient support of measures calculated to promote the best good of the country." But he still had no real intention of making a canvass. When the "citizens of Bradford" invited him to address them, he replied, in a letter declining the honor:

"I could not, under any circumstances, have been the candidate of a convention whose apparent creed is nothing but a sort

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of indefinite hostility towards the President of the United States. . . . Gentlemen, I am a friend of the present administration. I believe the quarrel against the President to be a mere partisan quarrel of personal aims and resentments, in which all considerations of the many great and good things done by the Administration, and of the patriotism of its purposes, are sunk and lost."

Before election day, — November 14, — arrived, Caleb Cushing was in Washington, where he had gone at the President's express request. Meanwhile the Democratic candidate, Joseph Mansur, had been trying to make the best of the Whig dissensions, and had received in part the aid of the Cushing contingent. George Brown, Cushing's friend in Beverly, wrote him on the afternoon of election day:

"In your district there will be no choice; but I think, and for my part I hope, as I have always expressed, that, if there is, Mansur will be chosen, and this appears to be the opinion of many of the Whigs I have seen from thence as well as here. They look upon Robinson as a sort of crazy fellow, who would do the Whig cause no good if elected, and they think that his factious and ungentlemanly opposition to you deserves the punishment he is likely to get."

John Greenleaf Whittier was also in the contest, as the candidate of the Liberty Party, but had, of course, no hope of succeeding. When the votes were counted, Brown's prophecy that there would be no choice was fulfilled. H. W. Kinsman wrote Cushing from Newburyport, November 21:

"Our election has terminated as you have seen. Robinson had 4019, — Mansur, 4928, — Scattering, 1224. In this town and district, acting on the advice of your personal friends, Messrs. Goodrich and De Ford, the friends of the Administration did not attempt to organize any plan of operations, but on

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the gubernatorial and Congressional tickets scattered their votes, as on the other tickets they generally went with the Whigs. This was contrary to the opinion of Mr. LeBreton and myself & also to that of many others. We believed (& the result has proved that we were correct) that organization on the part of the friends of President Tyler would have been attended with the best effects. . . . The question now comes back again, shall we organize, or not; before taking any step I wish to consult you. I have little doubt but that you might be elected, if you would take a nomination; at all events, no one can be elected, either Whig or Democrat, without the aid of your friends. . . . In this state of things we want your opinion as to the best course to pursue."

In the election, most of the "scattering" votes had been cast either for Cushing or for Whittier. Once more, then, Caleb Cushing was the occasion for a deadlock in Essex North; and in November, 1842, he must have taken a grim satisfaction in watching the struggle for the seat which he was soon to abandon. His satisfaction was not lessened by the fact that all over the country the Clay Whigs had suffered reverses, and the Democrats had displayed unexpected strength. Even in Massachusetts, the result for Governor had been thrown into the House of Representatives, where, on January 17, Marcus Morton was chosen by one vote. This triumph of a Democrat in an ordinarily Whig state drove the Boston *Atlas*, the Webster organ, nearly to madness. But the results of the election were easy to read. The country, if not eager to defend Tyler, was at least desirous of condemning Clay; and Caleb Cushing was right in believing that the Whigs, during the session of 1841-1842, had simply been digging their own political graves.

Cushing resisted all the importunities of his friends in Essex North, merely replying that he did not wish to run again for Congress. He had seen the President, who had

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urged him to take a cabinet position as soon as the next session was over; and Cushing had promised Tyler that he would accept. On December 5, the last session of the notorious twenty-seventh Congress opened, and Cushing was busy with his official duties. He made the motion for a joint committee to wait upon the President and was himself appointed its chairman. The President's message proved to be free from acerbity, being devoted mainly to a discussion of the financial crisis, coupled with an appeal for the passage of the "Exchequer," which, proposed at the previous session by Cushing and his Select Committee, had, as we have seen, been shelved in the House.

The first important business on the schedule, however, was connected with the repeal of the Bankrupt Act, which, although it had readily passed during the previous session, had now aroused such widespread criticism among the public at large that the legislators could not evade its reconsideration. By a paradoxical change of position, the same Whigs who had lately defended it as a necessity were now opposing it as the chief obstacle to commercial prosperity.

The matter of the repeal was brought up early in December by Horace Everett, of Vermont, and was opened for discussion a week later. Amid some amusement, Daniel D. Barnard, of New York, pointed out that Everett had said, only a few months before, that the Bankrupt Act was "the best and wisest law that Congress ever passed." Payne, of Alabama, followed, showing, with gusto only half-concealed, that it had originally been a Whig measure, — "conceived, brought forth, and carried into a law by the Whigs." Cushing was for some days discreetly silent; then, on December 27, after several representatives had presented their views, he delivered one of the most able and adroit speeches ever made in the

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House, — a speech which was quoted against him by his enemies for many a long day. Starting with the immediate question in hand, he maintained that the repeal suggested would exhibit Congress as a vacillating body, — “undoing to-day what it had done yesterday,” — and advocated instead a modification of the law to meet some valid objections which had been raised. Then, taking as his text a speech delivered by Arnold of Tennessee, a week before, he proceeded with an elaborate defense of the Administration, warning the House that, “if the Whigs continued to blockade the wheels of government, the Democrats would be patriotic enough to carry it on.” Made more bold by the sweeping Democratic victory at the late election, he added that the question of the Presidency in 1845 was about to become the all-absorbing topic in the nation, and that “it would not be forwarding the political interest of any one of the parties in the country to carry on a fierce warfare against the present Administration.” He closed with what almost amounted to a threat, in a reference to what “the constitutional power of the Federal Government could accomplish.” “By patronage? ”; “By lust of office? ”; shouted several Clay supporters near-by. “No, not by mere patronage,” answered Cushing, “but by the power of the veto.”

If Cushing had hoped to create a commotion in the House, his desire was certainly gratified. Thompson, of Indiana, accused Cushing of coming, “as a special friend of the Administration,” into the House and openly putting up the influence of the Executive into the common market to the highest bidder. Thompson referred to Cushing as the acknowledged leader of the Administration, — “the man doing most of its speaking and much of its thinking,” — who was playing auctioneer for the Tyler forces. Kennedy, of Maryland, a Democrat, fol-

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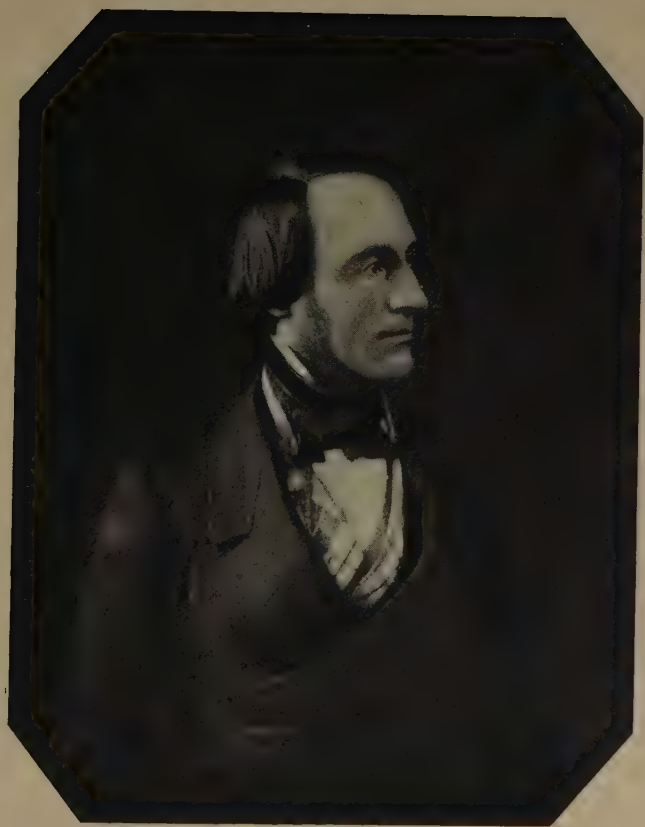
lowed with a speech in which he avowed his disinclination, as a party man, to make any bid for Tyler's support, and stirred the house to mirth by saying that he believed John Tyler to be "an honest kind of an old soul," and that, if the President wished to enter the Democratic ranks, he certainly would have no objections.

The debate, as it widened in scope, offered an opportunity for others to participate in the discussion. John B. Weller, of Ohio, advocating the repeal, made a violent attack on Henry Clay, stating that Tyler, in vetoing the bank bills, had been governed by "exalted patriotism." He added that, if he understood Cushing as offering the Executive patronage to the party that would support the Administration, he wished to protest against that doctrine and to assert that the Democratic Party, at least, would make no such infamous bargain. On January 4, the dispute waxed more violent. Meriwether, of Georgia, who opposed the repeal, made an incidental reference to Cushing's "offering the spoils of party at auction." Cushing, who had thus far held his peace, now rose to protest against being thus misquoted, and demanded that Meriwether "should select from his speech a single sentence which would justify the imputation just made." Francis W. Pickens, of South Carolina, followed, repudiating any idea that Tyler could win him, or any other Democrat, with patronage, and congratulating Cushing ironically upon his having at last "embraced the truth." Proffit, a private in the "Corporal's Guard," then took Cushing's part, saying frankly that both he and Cushing were now in a position where they cared nothing whether they pleased or antagonized either party. So the debate went on, until it had developed into a fully-organized attack on the Administration, with only Cushing and the "Guard" raising their voices in its defense. At last

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the House returned to its routine long enough to have the repeal read for the third time, and it was carried by a vote of 146 to 71. Proffit, however, at once moved a consideration, and Cushing thus secured the floor for a set speech in reply to his critics.

Adams, in his *Diary*, simply says of this occasion, — “He (Cushing) took the hour, and made his case worse by his use of it.” As a matter of fact, it was the most dramatic moment of a spectacular session. Surrounded by enemies, menaced with malignant misrepresentations of what he had actually said, Cushing stood, with only a handful of allies to support him, and defied the wrath of the Clay Whigs. As he rose from his seat, wearing the “fancy french doeskin pants” and the “black beaver frock” which he had just received from his Boston tailors, he was a handsome and impressive figure, cast in the Websterian mould. His noble head, flashing glance, and dignified mien completed the resemblance to the Secretary of State, — although Webster’s dark complexion and deep-set eyes gave him a somber appearance which Cushing never had. Cushing’s address, according to most of those who heard it, was notable. He began quietly enough, by a reference to the many denunciatory speeches which, for three weeks, had been directed at Tyler, Webster, and himself. There was, he said, a vital question involved in this debate, — the question between a “constitutional Administration, by the President, and a party Administration, exercised by a party chief in the Capitol.” As for himself, he considered it his duty to aid the administration of the President. He had been grossly maligned by those who asserted that he had ever intimated that the patronage of the Federal Government would be so administered as to favor those in power. He had intended simply to reiterate what he had said so



Caleb Cushing in 1843

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often, — that it was the duty of every man not blindly partisan to coöperate with the President in the great object of carrying on the government. Cushing's conclusion, as we read it in summarized form in the *Congressional Globe*, was calm and dignified:

"In the few minutes left him, he desired to say that this Administration stood upon its acts and measures, and went before the country, by whom it was to be judged upon them. All these questions of the hour would pass away with the hour; they were transient, and could not awake the interest of posterity. They would pass away; and if this Administration was to be condemned, — which he was sure that it could not justly be by those around them, upon its acts and measures, — it would appeal to posterity against the party excesses and extravagant acts of party spirit which occasioned its condemnation. It had been too much the custom in the House to indulge, on general questions, in broad and sweeping denunciations of men; to talk of treachery, and of the shameless acts of the Executive, and those around him; and this was to delude the public mind, and to stimulate it into hostility to the Administration. He did not know but that the indignation excited by such of these denunciations as had fallen to his share, might have caused him to retaliate, by using corresponding language. If so, he regretted it, and hoped he might be excused for it."

Even those who disliked Caleb Cushing were, in those days, glad to listen to his speeches. His voice was rich and resonant; his language was that of a scholar; and his oratory was of the kind that stirred the heart. Whenever the news was spread around that "Cushing was up," the floor of the House began to fill, and the galleries buzzed with excitement. He was beyond doubt the most conspicuous figure among the representatives. So, after this speech, there was tumultuous applause. Davis, of Kentucky, in reply, devoted an hour to eulogy of Henry Clay, but few listened. Proffit then withdrew his motion for reconsideration, and the repeal of the Bankrupt Act

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went to the Senate, where it was promptly passed. The long debate, one of the most violent in the history of Congress, was closed.

This session saw the extraordinary spectacle of Caleb Cushing, a Massachusetts founder of the Whig Party, delivering a stirring oration in praise of Andrew Jackson. A bill had been proposed, refunding the fine of one thousand dollars imposed upon the General in 1815.¹ The debate upon the proposition became, of course, a partisan controversy; and at last, on January 5, Caleb Cushing made a formal protest against turning the affair into a quarrel between rival factions. Jackson should be considered, said Cushing, as a distinguished historic personage, who had upheld the honor and prestige of the United States against Great Britain; and it was simple justice that the fine should now be refunded. Fairness towards Jackson could not, obviously, be expected from any Clay Whig. Cushing's colleague, John Quincy Adams, was resolute against the measure, and the Whigs were able to effect its rejection.

Indeed practically every bill proposed during the session, no matter how harmless, developed into a partisan struggle, which was finally carried to extreme lengths by John M. Botts, who read a set of nine resolutions impeaching President Tyler of various crimes and misdemeanors, including "gross usurpation of power," "wicked and corrupt abuse of the power of

¹ General Jackson, while in command at New Orleans in 1815, had been angered by Judge Dominick A. Hall, the Federal district judge, and had imprisoned him, disregarding a request for his release on *habeas corpus* proceedings. When the treaty of peace was ratified, Jackson revoked martial law, and Judge Hall, when released, summoned Jackson into court and fined him one thousand dollars for contempt. This fine the General paid, conducting himself in a most dignified way.

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appointment to office," "an arbitrary, despotic, and corrupt abuse of the veto power," and other kindred offenses. He then moved for a committee of nine members to inquire into the truth of the charges thus preferred. Botts was a disreputable politician, whom no one took seriously, but his resolutions did, for the moment, cause some stir among the Whigs. To the credit of Congress, they were eventually voted down; but even the high-minded Adams was so prejudiced as to approve of impeachment.

Early in January the old matter of the Exchequer had been thrown like an apple of discord into the House. It will be recalled that Caleb Cushing, during the previous session, had reported a bill based on the President's recommendations, but that no action had been taken upon it. Now Fillmore, for the Committee of Ways and Means, reported for the majority of that Committee that the President's Exchequer Bill ought not to be adopted. This negative action naturally precipitated a hot debate, opened by Cushing himself. His argument was brief and clear. With the expiration of the charter of the Bank of the United States, had disappeared all the laws regulating the depositing, disbursing, and transfer of public moneys by means of that institution. The Independent Treasury had also vanished. Money connected with the public deposits was now being held, therefore, by the Treasurer of the United States, under the direct control of the Executive. Thus a United States Bank is discredited; the Independent Treasury is apparently not desired by the people; the Exchequer plan is the only feasible system which fills every requirement. Why, then, in such an emergency, did the Committee of Ways and Means venture to submit a report of a negative nature? Cushing's argument was thoroughly logical, and he knew,

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furthermore, that he had the powerful approval of Webster in presenting it.

But the Clay Whigs were not, at that moment, being swayed by patriotic motives. Their sole object was a personal one, — to overwhelm John Tyler. Daniel D. Barnard, of New York, Cushing's former intimate friend, stated the case without hypocrisy; the President had vetoed the National Bank; the Whigs proposed, in retaliation, to block any plan of his for improving financial conditions. With a docile Whig majority in the House, Cushing's plan, no matter what its merits, had no possibility of success. Partisanship was the controlling factor. There was hardly the pretense of open debate. Robert C. Winthrop undertook to speak for Webster; Wise defended the President. Two days later, Fillmore spoke in justification of the action of his committee; and when, directly after his speech, the matter came to a vote, the report of the committee majority was accepted 193 to 19.

Little more was done to improve financial conditions before the session ended. A bill authorizing another issue of the Treasury Notes, as an emergency measure, passed in late February, Cushing being too patriotic not to vote in the affirmative. But the choice among United States Bank, Sub-Treasury, and Exchequer was left for the twenty-eighth Congress to settle, and Caleb Cushing was not then a member of the House of Representatives. In that next House, the Democrats controlled more than two-thirds of the votes. The Whigs paid a deserved penalty for their obstinacy, and Clay's financial program had no outcome but disaster.

The session was at last drawing to a close. Cushing in those final days still continued to take an active part in debate, and attended faithfully the meetings of the Committee of Foreign Affairs. In a time of conflict and

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violent words, he kept his temper, seeming always cool and imperturbable. On that very day when the session ended, he had an opportunity for a valedictory which was very much to his credit. The usual motion thanking the Speaker for his able and impartial discharge of his duties was made on March 3, but was opposed by one or two disgruntled members. Cushing then arose and said a few words, which were reported as follows:

“If there was any man on that floor who had cause to feel that, in the personal and party contests which had marked the history of this body, during both its present and its past session, injustice had been done him, he was that man. He felt it; he knew it; but he was ready to sacrifice all recollection of personal umbrage at the altar of the common good, and of an affectionate desire for the peace and honor of the House. It might be that he was about to leave that floor for a still more agitated theatre, — to go back to the people again upon questions which agitated the country as much as they did the House, if not more. But he desired to leave that Hall with feelings of the kindest regard to every member, and above all, towards him who had occupied that chair. That charity might be extended to himself, he desired first to show charity towards others. He fully realized for himself, and he called upon the House to realize and consider, under what unspeakable embarrassments, both political and personal, from the division and subdivision of parties, the duties of the Chair had been performed; and, in view of this, if he, or other gentlemen, should feel that, on this or that occasion, their pride of place might not have been gratified by the Chair, he appealed to them, he appealed to himself, to cast from them all such recollections, with all unkind feelings which might be called up by them, — so that they might, in parting, press hand to hand, with nothing but emotions of mutual regard and good-will.”

Thus Caleb Cushing left his associates with words of reconciliation on his lips; but, before morning dawned, he was to go through the first of the two harrowing disappointments of his life. The Senate, assembled in

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Executive Session, rejected his name for the position of Secretary of the Treasury, and the goal which he had set for his career had turned out to be a vain delusion.

Cushing's cabinet ambitions had been for some months closely bound up with the Congressional rivalry in Essex North. It will be recalled that his name had been mentioned very frequently for a cabinet place. As far back as April, 1842, James Brooks had written him confidentially from New York:

"I am afraid, — this I say in private, — the Treasury can never get on with Mr. Forward at the head. He is a good-natured, easy, docile soul, but inexperienced, and financial men here will put no faith in our finances, or trust their money to the Government as long as he is there, I fear. Those among them who come in contact with him tell all sorts of funny stories about his mode of doing business."

It was naturally assumed, by those who knew the situation best, that Cushing would succeed Forward. Parmelee, of the New York *Herald*, wrote him on September 16:

"I suppose it is settled, by this time, when you are to go into the Treasury Department. I have had an opportunity to learn much of popular sentiment since I left Washington, and I assure you that your appointment will be generally acceptable. I am convinced that no fears need be entertained about the Senate; you can hardly fail to be confirmed, and that too without opposition, serious opposition, I mean."

But Forward was not at all eager to be displaced, and Tyler, desirous though he was of having Cushing in the cabinet, was not willing to force Forward out. So matters dragged along. Cushing, as we have seen, declined a nomination in his district. And then the President himself told him that Forward would retain his place until the close of the winter session of 1842-3.

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This decision naturally left Cushing once more in a state of doubt.

On November 22, Paul R. George wrote Cushing a letter which still more unsettled the latter's mind:

"To-day I suppose another fruitless effort is to be made in your district. I wish your name was mingled in the election. Everything looks to me, there, since the election as if it would tend to your own re-election. I am not there to judge, but if it looks so to you, by all means start on the course. . . . From what I can hear, such a move is safe. I beg you will let me know by letter the day you return. I will be here. I want much to see you, for since the decision not to change the cabinet till spring, I must confess I can see no bottom, nor my way clear; indeed I hardly know the course the Administration intend to steer, unless it all means this, — that the mind is not yet made up, or is in doubt & that the conclusion is to let matters float & flutter in the breeze this winter, under the expectation that in the spring more knowledge by which to make a chart will exist, & then & not till then we are to take direction. All this would be very well, were there not other craft on the same voyage."

But Cushing did not return to New York at that time. Congressional business kept him in Washington, and the election in Essex North was for some weeks almost forgotten. At length, on February 7, the Whigs nominated Amos Abbot, of Andover, a well-known merchant, in place of Robinson, who, they thought, had proved a weak candidate. In the election on February 12, Abbot received 3391 votes to 3620 for Mansur. On the 15th Nathaniel Ladd wrote from Bradford:

"We have had another meeting on Monday last for the choice of a Representative from this district, which has resulted like the meeting in November in no choice. The Clay Whigs (as you no doubt have been informed) dropped Mr. Robinson and nominated Mr. Amos Abbot, of Andover, for

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their candidate. Between two & three hundred of your friends in Newburyport and a number in other towns voted for you. It is very desirable that your friends and the Democratic Party should be united as you so nearly agree with them on political measures at this time. I am very anxious to know your views and feelings on this subject and to have your advice as to the best and most proper course to be pursued hereafter by your friends and the Democrats, to defeat the choice of a Clay man, and to secure your re-election or that of a Democratic Representative from this district. Several of my Democratic friends wish to know if you would accept of the nomination and stand as a candidate of the Democratic Party should you be held up by them."

To this letter, Cushing made a non-committal reply, for the President had once more announced his intention of naming him for a place in the cabinet. On a morning in late February, Webster sent Cushing a note to this effect:

"You are expected to dine with me, to-day, without fail, at 5 o'clock, & I have also promised the President (whom you will meet at my house) that you will go to his House, with him, at 7 o'clock, there to meet Mr. Wise."

At this momentous interview, Tyler told Cushing that Forward had just sent in his resignation as Secretary of the Treasury, and added that the place was Cushing's if he cared to have it. It took Cushing only a second to accept the offer. His duties as Congressman had just been finished, and he was in no mood to face a hard fight in his district, with a possibility of failure. The President also requested Wise to accept a nomination as Minister to France. Thus another member of the "Corporal's Guard" received his reward.

On March 2, after another conference with the President, Cushing wrote Tyler:

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"I could not, without detaining Mr. Wise, say to you what I was desirous to say before leaving you this morning; and I therefore trouble you with a line upon the subject.

It is to beg you to be assured that, while the intention you announce of nominating me to the Treasury Department deserves and will forever secure the deepest gratitude on my part, I shall (if confirmed) enter the Department as your personal and political friend, devoted to you as such, desiring so long as I remain in office to be regarded as you would regard a son, and to hold the commission always at your disposal if by possibility the progress of events should render any change in that respect desirable for the promotion of your interests or those of your Administration."

Forward's resignation in the meantime reached the newspapers, and, as the session drew to a close on the evening of March 3, gossip was active along the corridors of the Capitol. No one was surprised when President Tyler, at one-thirty in the morning of March 4, sent to the Senate, then in executive session, the name of Caleb Cushing as Secretary of the Treasury. One Senator, whose name, unfortunately, is not recorded, objected to having both Webster and Cushing from the same state. Archer then told the Senate that he was authorized to say that Mr. Webster was about to retire from the cabinet. But the Senate was in no genial mood. Choate and Bates, the two Massachusetts Senators, spoke at length in Cushing's favor, but in vain. When a ballot was taken, the nomination was rejected by a vote of 27 to 19. The President, who, according to his custom, was waiting in an ante-chamber regularly appropriated to the Vice President, immediately returned Cushing's name with this conciliatory note of explanation:

To the Senate of the United States:—

In submitting to you the name of Caleb Cushing as Secretary of the Treasury, I did so in full view of his consummate abili-

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ties, his unquestioned patriotism, and full ability to discharge with honor to himself and advantage to his country, the high and important duties appertaining to that department of the Government. The respect which I have for the wisdom of the Senate has caused me again, since his rejection, to reconsider his merits and qualifications. This review has satisfied me that I could not have a more able adviser in the administration of public affairs, or the country a more faithful officer.

I feel it, therefore, to be my duty to renominate him.

I nominate Caleb Cushing to be Secretary of the Treasury, in the place of Walter Forward, resigned.

JOHN TYLER

The Senators, however, were not to be cajoled at that late hour by honeyed words. No discussion took place; no one made any criticism of Cushing's ability; but, when the votes were counted, he was again rejected, by a vote of 27 to 10. Without a moment's delay, the President's secretary came back to the Senate room, bringing Cushing's name for the third time. Benton, who was present, gives a brief account of the incident:

"The message containing this second renomination was written in such haste and flurry that half the name of the nominee was left out. 'I nominate Cushing as Secretary of the Treasury, in place of Walter Forward, resigned,' was the whole message; but the Senate acted upon it as it was, without sending the message back for rectification, as the rule always has been in the case of clerical mistakes."

The third ballot was even more decisive, Cushing's only supporters being Cuthbert, of Georgia, and Robert J. Walker, of Mississippi.

At the same sitting, Henry A. Wise, Cushing's friend in the "Corporal's Guard," was rejected three times as Minister Plenipotentiary and Envoy Extraordinary to France. John C. Spencer, eventually named by Tyler for the Treasury, was confirmed by a majority of only

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one. The Whig Senators were taking their revenge for the slights which, they contended, "Captain" Tyler had put upon them; and Caleb Cushing had to suffer the disastrous consequences of being loyal to an unpopular chief. It may have been some satisfaction for him to receive from Tyler this letter, dated April 24:

"I have neglected to assure you, other than verbally, since your rejection by the Senate as Secretary of the Treasury Department, of my continued and unabated regard for you, and confidence in you. I have a desire to place that sentiment in a more permanent and enduring form, and therefore now declare to you, that no man has stronger claims upon me or upon the country, in my estimation, than yourself, and that there is no office in my gift which is too high for your aspirations or your deserts. If you have any desires which I can gratify, be pleased to make them known."

Caleb Cushing was sick at heart over his rejection, but he did not lose courage. That very morning he wrote Paul R. George the sad news, and asked his advice as to taking the field in the Congressional campaign. George replied, in part:

"The rejection of people generally leaves them a party to fall back upon, whose sympathies are at once awakened. Not so in this case. Mr. Wise may be re-elected, & it would be well he should, but your case is different. If you are re-elected, it will be by Whigs. This is all very well, & there is but little doubt an election in the end would take place. The Democrats are well disposed, but still the Van Buren men would pull against it. Now then in my view the case is too clear for a moment's hesitancy. You should by all means go into the cabinet & that too immediately after our meeting here. This fact ought to be settled now. To take Mr. Webster's place would be acceptable; still for Upshur to take his place and you to take the navy in my judgment would be better. Unless Upshur will take Webster's, you should. If you will go in the cabinet, & the cabinet in council will agree to go to work, we

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can do much. As I said in my letter, it is not too late to begin, but it will be soon. If the course I name is not pursued & you go in the cabinet, you will & may run in your district; this would be pleasant to Mr. Tyler & beneficial to the Administration just to the extent of your re-election, — *no more*. We have not a party now; if we are to have one, it is by making inroads to the Democratic Party, & this must be done by Executive action in the first instance. . . . To go into the cabinet is best; if you do not go in there, then by all means keep Webster there & yourself go abroad to England or France. . . . After this, if neither can be done, then to run again is your right.”

This was certainly not very encouraging, so far as Congress was concerned, and Cushing, as he started northward, had much to ponder over. His soul was harassed with doubt. In a final interview, Tyler had promised him that he would not be left stranded; but it was not sure that he could be confirmed for any office. He lingered for a few days at the Astor House in New York, consulting friends. Here he found a letter from his supporter, George Brown, of Boston, which was a bit more reassuring:

“I went to Newburyport on Saturday and saw your friends. They are, of course, very warm in your cause, and they think you can be chosen. The Convention for your nomination will be on Monday next, at Andover. The Democrats of Newburyport and vicinity are strongly in your favor, so I am informed, and you will have many of their votes, and nearly all, if Mansur declines. . . . I saw R. Rantoul, Jr. I told him that Mansur must decline in your favor; he agreed with me, and intends to see Mansur to-night or to-morrow, and advise him to that course.”

Cushing arrived in Newburyport on March 18, to find the *Herald* urging him to come out as a candidate and break the deadlock in the district. The last two weeks in

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March were exceedingly stormy, and it was impossible to get news from Washington; meanwhile Cushing was simply playing a waiting game. He did, however, receive a letter from Irwin, dated March 24, from Pittsburgh:

"My decided opinion is that you ought not to run, unless your election is so certain as not to admit of a doubt. Neither the administration, the country, nor your personal friends, of whom I am proud to be one, can afford to have you sacrificed. You must lead, and guide, and control the *Democracy* of New England. That is your destiny, if you do not balk it. You are not and cannot be a Whig, in the new-fangled sense of the term. In my judgment, it is synonymous with Bourbonism, or the ultra-federalism of the black cockade, and anti-war school, remorseless, vindictive, uncompromising, and behind the age. It has doomed every Tyler man, and every man who had had the coolness to think, and judge, and act for himself, in that conflict and disruption of parties which characterized and disgraced the 27th Congress. With the Democracy, there is a place of refuge; with Whiggery none. For the sake of Mr. Tyler, whom I love, I would not have you defeated. For your sake, I would not. If you run and fail, it will be the severest blow this administration has ever received. The political fiends would howl for very joy, and hell itself would get drunk on the occasion. If you are elected, it will indeed be a glorious triumph for you and all of us, but, once more, I say be well assured of success before you take the field."

A survey of the situation finally persuaded Cushing that he ought not to enter the contest, at any rate not until another trial had taken place. He wrote some of his friends to this effect, and received from Webster this letter, dated March 29:

"I thank you for your letter which I received two days ago. I believe you have decided right, in withdrawing your name for the present as a candidate for Congress. If there should

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be again no choice, a different aspect of things might present itself.

So backward and so cold is the season, that it is hardly likely I shall get North earlier than the first of May. In the meantime I want to see you much, and think it necessary you should come here for a day or two. I suppose you care nothing about being at home next Monday; and therefore suppose you set out for the South on receipt of this. Important things, in which you are concerned, are to be thought about and talked about. I believe the President intends to offer you a Department. I wish you to have *this*. Then again there is China, if Mr. Everett should decline the mission.

It is high time some of these things were settled. I pray you come and see us as soon as you can. The picture has arrived from North Bend."

Another competent adviser, Proffit, also expressed his gratification, writing from Washington, April 1:

"You did wisely not to run for Congress. I am convinced of this & I hope that you have no doubt upon the subject. I concur fully in your remark that if Mr. W. leaves the cabinet, you ought to take his place, as the President originally intended you should. You were sacrificed to the circumstances under which you went to the Senate; but there are persons here who do not wish you at Washington & they say that your rejection is at present a bar to your appointment to the cabinet. They say that some strong Democrat ought to fill W.'s place, etc. Who talks thus I cannot say, but such is the talk & perhaps you can judge better than I from what source such surmises originate. I think Mr. W. intends leaving the cabinet shortly. Indeed he as good as told me so. He is discontented with the prospects & the present state of things. I think the P. would not be displeased if he should tender his resignation, or would be well pleased at his remaining, if he (W.) would come out publicly in favor of a re-election. This W. would not do. . . . I wish you were here. You ought to be here. Come on immediately. Your presence and council [sic] to the P. would do much good. Upshur will not go into the State Dept., so the P. told me, — but some new man. He is evidently casting

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his thoughts as to who it shall be, and I told him that you above all others were my choice. He said he wished you were here. How do you and Spencer stand towards each other? S. is with the P. much, & it may be he has some one in his eye. The P. told me that he had no doubt but that Everett would go to Canton. Then who goes to England? Webster will not go, — that's certain. In a conversation I had the other day with W., he seemed to dwell much on the Paris Mission. He said that Wise would be renominated & that in his opinion he could not be confirmed. . . . If you do not come on, I fear that your name for the State Dept. will be covered up by some 'democratic' movement; you know what constant and ingenious importunity can do, when democratic strength is sought after."

All this gave Caleb Cushing ample food for thought. Furthermore, another special election, held on April 3, resulted once more in no choice between Abbot and Mansur, Abbot being still unable to command the full Whig vote. The passing weeks of expectancy and doubt were telling on Cushing's nerves, and he seemed agitated and depressed. His father wrote him at the Tremont House, Boston, on April 12:

"I want to say something, but hardly know what. I have felt badly to see you so miserable and indifferent to all things, and have not seen how to make it any better. I, however, do most heartily wish you could see your way clear to get a wife; you would then have somebody to help you along with a dull hour. I can't but hope prospects will be brighter with you as soon as the next steamer arrives. I think you had better go on to Washington and see how it goes there, at any rate, and if nothing better can be done, you can get a living at your profession, in one of the great cities, and be under no obligation to any one."

He was comforted now and then by reassuring letters, such as one from S. DeWitt Bloodgood, a New York friend, who said:

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"I had a confidential talk with Governor Marcy to-night, and he spoke in such warm terms of you that I ventured to introduce the subject which I discussed with you when here. As he is a sagacious man, I think proper to communicate his opinions to you, viz. — 'A rejection by the Senate is of no consequence to Mr. Cushing. If he runs & is defeated, that will be for a time fatal. If he is elected, it is my opinion that Mr. Tyler will give him nothing, but keep him in Congress, where his position will be painful & produce no good results to Mr. T. as he will be without a party there.'

He also expressed his belief that the men who are conspicuous here are not Mr. T.'s friends, but will 'stick a knife into him as soon as they can get a chance.'

I certainly am pleased to find my own opinions fortified by those of so honest & truthful a man.

If there is a doubt about your re-election, I say as one of your friends you ought not to run the risk."

It was not many weeks before Cushing's decision not to allow his name to be used for Congress was demonstrated to be a right one. On May 8 he received his appointment as Minister to China, and could retire with honor from the turmoil in Congress of which he had been a part. It had been a good fight, and he never ceased to recall the years from 1841 to 1843 with satisfaction. Some time afterwards, his friend, Wise, then Minister to Brazil, wrote him from Rio:

"If I live a thousand years, I shall look back to our lone position and single-handed fights for truth and fair play from '41 to '44 with the greatest pride and pleasure. The administration of Tyler, with all its *domestic and internal* follies and weaknesses, — you and I know all, — was great in all its leading public measures. Its glorious successes in foreign policy, its peace of Florida, its regulation of finance without aid and in spite of opposition, its general integrity of administration, will be perpetual mementoes of great wisdom and virtue, whilst all the small things will be forgotten. Twenty-five years hence it

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will be brighter and brighter praise to have been a member of the corps of the 'Corporal's Guard.'"

Some interesting emotions Caleb Cushing must have had as he allowed himself to ponder on his eight years in Congress. He had entered it young and comparatively untried; he left it an experienced legislator, a man who had made his mark in debate, and who was recognized as one of the great orators of a generation which had heard Clay and Webster, Everett and Choate. But, more significant still, he had entered it a Whig; he left it a Tyler Democrat, estranged from his earlier political allies. Little by little, by steps which at the moment seemed imperceptible but which later appeared ominously wide, he had moved away from the orthodox Whigs into the camp of the malcontents and finally into that of the open enemy. From 1843 on for many years his more intimate friends were to be from south of the Mason and Dixon line.

In the same gradual way, he came to modify his views with regard to slavery. Not long before the adjournment of the House, John Quincy Adams and Caleb Cushing had a memorable conversation. On February 15, 1843, Adams made this record in his *Diary*:

"Before going to the House, I had a quarter of an hour's conversation with Cushing, and told him that there was a war now in parturition between Freedom and Slavery throughout the globe; that it would be a war for the abolition of slavery, at the head of which would be Great Britain; that in this war I could take no part, — I was going off the stage; but he was coming on to it; and I conjured him, as he cherished his own and his country's honor, not to commit himself, in this great controversy, to the side of slavery; and to return to the cause of liberty, from which he had not yet irrevocably strayed. He heard me without taking offense, but apparently without conviction."

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That both Adams and Whittier should have thought it worth while thus to advise Cushing on the matter of slavery is in itself remarkable. Their prophetic words must often have recurred to Cushing's thoughts during the next two decades, when Adams himself was dead, but when the cause of human freedom was on the way to triumph. The fact was that, in February, 1843, Cushing had gone too far to turn back. He had determined, — we believe, rightly, — to stand by Tyler in his fight against the Clay Whigs, and he could not retract. For good or for evil, Caleb Cushing had left the Whig Party forever.

CHAPTER TEN

THE MISSION TO CHINA

"Whose armor is his honest thought,
And simple truth his utmost skill."

WOTTON, *The Character of a Happy Life*.

FROM all his doubts and humiliations, Caleb Cushing was relieved by his appointment, May 8, 1843, as Minister to China. In the midst of circumstances constantly shifting, this nomination stood out as something substantial, a refuge of solid ground, treading which he might avoid the quicksands by which he was surrounded. The events leading up to this important phase of Cushing's career belong to American history, and are well worth recounting. The explanation of them all is closely connected with the name and the aspirations of Daniel Webster.

It must be repeated here that Webster and Caleb Cushing had been, throughout Tyler's administration, on the most friendly terms. There had been regular exchanges of social civilities between them, and Cushing was at dinner at least once a week in the hospitable Webster home. Financial transactions, in which the Massachusetts senator invariably appeared as borrower or debtor, also continued to develop. In 1837, Cushing had lent Webster more than \$3000. In 1839, he advanced him \$1500. On January 9, 1841, he responded to Webster's appeal for \$2000, for "incidental pressing expenses." In 1842, he lent him \$350, and in 1843, \$2000. Webster was so close to Cushing that he evidently felt no

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reluctance in frankly asking him for monetary assistance, without any mention of interest or of a date for repayment. In February, 1843, for instance, he sent this note to Cushing:

"I can get this acceptance of General Lyman's cashed here, by the aid of another Washington name. If you will have the goodness to place your name on the back of mine, you will hear no more of it."

Cushing, Webster, and Senator John Davis were also associated in the purchase of extensive forest property in Wisconsin, a good part of Webster's share having been provided by Cushing. It is seldom that two men in public life continue so long in intimate relationship without a disagreement or a quarrel. Cushing knew Webster's faults and virtues, and could endure his weaknesses out of regard for his talents.

It is essential, also, to understand that John Tyler and Caleb Cushing were devoted companions. Cushing was very often at the White House, having that freedom of *entrée* which is permitted only to confidential friends. The President was constantly sending little notes to Cushing on matters of public and private business. In March, 1842, for example, Tyler forwarded to him the complicated details regarding a certain New England post-office, adding, in a postscript:

"Will you look at this case and tell me what sh'd be done? Washington Irvine [sic] dines with me to-morrow and I wish you to join him."

Indeed, whenever the President had a celebrity in Washington, he usually begged Cushing to help in entertaining the visitor. At the famous Charles Dickens dinner in March, 1842, Cushing was one of the speakers, and was

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reported in the press as having made the wittiest address of the evening. Tyler, moreover, frequently suggested methods of procedure in the House. On February 10, 1843, after Botts's resolutions of impeachment were about to be brought up, Tyler sent this note to Cushing's desk:

"I have thought that when Botts's resolution is moved, my friends should merely call for the ayes and noes. I would make no resistance, but throw the whole responsibility on others. He rushes to escape the matter under the rule of two-thirds. Yesterday he had a right to more."

Certainly Tyler, in his words and conduct, led Cushing to feel that the latter was a favored person, who would receive every courtesy from the administration.

On August 9, 1842, the Ashburton Treaty, which for so many weeks had engaged Webster's waking and working hours, was formally ratified, and he could cry, "Othello's occupation's gone!" His excuse for remaining in the Tyler Cabinet had been that he was needed to complete these negotiations. That task over, Webster was meditating some path of honorable retreat from the councils of a President whose name had become anathema to the Whigs. Webster liked Tyler, and, in general, approved of his policies; but he realized fully the danger of any further association with the Democrats by whom the President was surrounded. What he really coveted was the American Mission at the Court of St. James; but Edward Everett, Webster's close ally, had occupied that place since 1839 and must be tactfully persuaded to withdraw before Webster could be sent to London.

The scheme thus outlined was charmingly simple, being dependent on the compliance of merely one man; but that man had no wish to be sacrificed on the altar of

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Webster's ambition. Some letters sent privately from Everett to Cushing in the autumn of 1842 indicate that the former was being gradually made aware of what was expected of him and that he was less tractable than had been hoped. On August 2, he wrote:

"We are harassed here with rumors of changes at home; for however unlikely the individual reports, it would seem impossible that explosion & separation, — if not recomposition, — should not result from such a terrible confusion of the elements as exists at Washington. I hope the President will continue to have the support of Mr. Webster, yourself, Choate, & other friends, who have thus far stood by him. With your aid, I think he may weather the storm; without it, I fear, it must prove too much for him."

By early September, Webster's plans had been more fully developed, and Everett began to feel that something affecting himself was in the air. In a mood of suspicion, he wrote Cushing, September 3:

"I see continual intimations in the newspapers that, as soon as the negotiations with England are finally arranged, Mr. Webster is to retire from the Cabinet. I have supposed these might proceed from persons with whom the wish is father to the thought. This rumor has been connected with another, viz., that Mr. Webster is to come to this court, & that I am to go to Paris; where, however, I think there is not at present likely to be any voluntary change. I think you, who have known me longer than most of my contemporaries, will easily believe me when I say that I desire to have as little to do with what concerns the disposition of myself as possible. I stand ready to quit my present position for any other or no other, whenever it is thought the public good requires it. All that I ask is, that so long as I have the good fortune to retain the President's confidence, & so perform my duties to his satisfaction, — which his own letters and yours lead me to think is at present the case, — no change may be made without previously consulting me. There is not the least probability that I should oppose anything

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thought best by Mr. Webster and the President; but as the education of several of my children is connected with my situation abroad, it is important to me, if any changes are contemplated, to know it some little time before hand."

On October 10, after hearing some more recent news, Everett wrote in a tone indicating real alarm:

"Passing through York a day or two ago, on a little excursion into the country, a friend handed me an American paper, containing an extract from the *New York Sun* of somewhere about the middle of September, in which it is stated that I am to resign my office as Minister to London, in order to enable Mr. Webster to succeed me, — I to go into the Senate. I should have thought this paragraph of no consequence, but for intimations that have reached me from another quarter, more likely to be well informed, that changes have been thought of, in which I am concerned. Having written to you before on this subject confidentially, which I have done to no other person, allow me to continue in the same strain. No one appreciates more highly than I the services & claims of Mr. Webster; or wishes more sincerely that he should be gratified in any reasonable desire. To this I am willing to make any proper sacrifice. Had it been the proposal that, after a reasonable and usual term of service, I should give way, in order to be succeeded by Mr. W., I should have consented readily. But to be displaced before I am warm in my seat is a different affair. I cannot, I think, be reasonably expected to become a party to any arrangement for that purpose. The thing itself is essentially objectionable on many public grounds, which will readily occur to you, and by no means sure to be sanctioned by the Senate. Be this as it may, I must lose all self-respect before I could agree to it. To a transfer to Paris (though open to much of the same objection as a recall to America, besides others practically applicable to itself; such as that of having two ministers from one state) I should not be, in the same degree, opposed; though it is rather hard that I should, in my official position, be made a mere instrument for promoting another person's convenience. Still, however, if the President thinks such an arrangement desirable, I shall acquiesce, greatly doubting, however, whether

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the Senate or the sound thinking part of the public will much approve this method of disposing of high officers. I write, you see, on the supposition that I have the good fortune to retain the favorable opinion & friendship of the President; that he is satisfied with the manner in which I am discharging my duties; & that he will think my wishes and feelings ought not be overlooked in a matter so important to me.

I will hazard one other reflection, viz., that immeasurably as my capacity falls beneath that of Mr. W., I am of opinion that the duties of the legation, — which are exceedingly laborious, — are more punctually performed now than they would be with the proposed change. I am willing that you should communicate anything in this letter to the President, but I charge you, by your ancient friendship, to let it go no further.

I ought to say that I am entirely ignorant of the political character of the *Sun*, & I should be consequently unjust to hold Mr. Webster accountable for anything put forth in it. Indeed after the manner in which I am alluded to in his speech in Faneuil Hall on the 30th Sept., it seems hard to suspect him of being privy to any project for supplanting me. But I rely implicitly on the President & on you."

There was enough truth in the rumors which Everett had heard to make the situation embarrassing for Cushing, who was in the confidence of both Everett and Webster. As the autumn of 1842 went by, Webster himself became more reconciled to his place in the Department of State and in his heart did not wish to leave it; but the pressure from Clay's followers and from the anti-Tyler party was growing so strong that he found it increasingly difficult to justify the delay in his resignation. While he was facing this dilemma, there came new developments in connection with Chinese affairs which enabled Webster to offer Everett a very alluring proposal.

For some years the necessity of effecting a trade agreement with the Celestial Empire had been discussed in Washington. Our commerce with China, begun immediately after the Revolution, had gradually become very

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profitable, and in 1786, an American Consul, — Major Samuel Shaw, — had been appointed at Canton. In 1801, exports from that port to the United States amounted to nearly four million dollars. The Embargo and the War of 1812 naturally interrupted our trade with the Far East, but it was renewed after 1815 and carried on with some success, in spite of the Chinese prejudice against all foreigners. In 1833, an American envoy, Edward Roberts, succeeded in negotiating a treaty of amity and commerce with Siam and also with the Sultan of Muscat, but he made no attempt at diplomatic overtures towards either China or Japan. The steady increase of our traffic with China made it obvious that the Chinese regulations, which tended to restrict and block commerce, must be altered, in the interests of the merchants of both countries; but the Chinese authorities persistently refused to make the necessary reforms. Great Britain, meanwhile, had come into direct conflict with the imperial officials at Canton, who, in 1834, actually put a stop to all trade with the English. By the close of Jackson's administration the situation for both Americans and British in Chinese waters was rapidly becoming intolerable.

As early as 1839, one Gideon Nye sent a memorial to Congress, arguing for the expediency of "appointing a minister to the court of Peking." Dr. Peter Parker,¹ an American missionary, had even gone so far as to ad-

¹ Peter Parker was the first American medical missionary to China. He was sent to that empire in 1834 by the American Board of Foreign Missions, and, in November, 1835, opened an Ophthalmic Hospital at Canton. He became an authority on Chinese affairs, and was frequently consulted by the Department of State. He was later American *chargé d'affaires* in China and Commissioner to China. He retired from his arduous duties in August, 1857, and returned to Washington, where he resided until his death in 1858.

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dress the imperial Commissioner, Lin, informally on the subject. In the same year a group of American merchants located at Canton petitioned Congress to send a commercial agent to China, authorized to negotiate a treaty, in order that they might be protected from acts of "violence and aggression" on the part of intrusive Chinese officials. This petition was duly referred to the House Committee of Foreign Affairs, of which Caleb Cushing was an influential member. A month later, on February 7, the House, on Cushing's motion, called upon the Executive for "information respecting the condition of the citizens of the United States doing business during the past year in China"; and President Van Buren transmitted a report from the Secretary of State, enclosing a number of letters from Samuel Snow, the American Consul at Canton. In April, Thomas H. Perkins, representing a large group of Boston and Salem merchants engaged in the China trade, sent a communication to Congress, pointing out the inevitability of a clash between Great Britain and China, and urging the despatch of a "respectable national force" to Chinese waters.

The war thus predicted actually opened on June 22, 1840, with a blockade of Canton by the British fleet. Although John Quincy Adams believed that Great Britain was entirely justified in its action, the so-called "Opium War" was really an unsavory affair, brought about directly by a praiseworthy attempt on the part of the Chinese government to prevent further importation of opium and to confiscate the large amount of that drug which had already been smuggled in by unscrupulous English traders.¹ The British, in retaliation, began

¹ Gladstone, who knew what he was talking about, minced no words in criticising the part taken by England in the "Opium War," — "A war more unjust in its origin, a war more calculated in its progress to cover this country with disgrace, I do not know and I have not read of."

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hostilities, and, under the leadership of Sir John Gough and Admiral Sir William Parker, were overwhelmingly successful in every engagement. The Chinese, after Chinkiang had been sacked and Nanking was in a state of siege, were glad to sue for peace. By the Treaty of Nanking, negotiated by Sir Henry Pottinger and signed August 29, 1842, China opened the five great ports of Canton, Amoy, Foo-chow, Ning-po, and Shanghai to British commerce, ceded to Great Britain the island of Hongkong, and paid an indemnity of approximately six million pounds. In this treaty not a word was said about the trade in opium which was the immediate cause of the conflict.

Because of its possible consequences to American interests in the Far East, the Opium War was watched closely by our government. In April, 1840, Caleb Cushing discussed the Chinese situation with William S. Wetmore, formerly American Consul at Canton, who, through long residence in China, had become an authority upon its affairs. Late in 1840, moreover, Dr. Parker, whose work had been interrupted by the war, returned to the United States, where he saw both Forsyth, the Secretary of State, and Van Buren, but, as the administration was about to change, was referred to Webster, who asked him to put his views on paper. Parker then prepared a document pleading for the sending of an American minister direct to the Chinese Emperor, and was not inclined to let the matter drop. During the next eighteen months, he was in America, lecturing and organizing branch medical associations, and he let no opportunity slip by for keeping the administration aroused as to American needs in the Far East. In April, 1841, he had another interview with Webster, and he even consulted John Quincy Adams as to the latter's willingness to be an

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envoy to China.¹ When he called on Tyler and Webster in September, he was bitterly disappointed to find that nothing had been done. In the following spring, on the eve of his departure for China, Dr. Parker again met Adams and brought up once more his proposal for a special mission. Adams expressed the opinion that such a mission would be inexpedient, but did favor the sending of "an intelligent and discreet and spirited informal commissioner," with full power to open communication with the Chinese Government.

During the summer of 1842, the Chinese, in the Treaty of Nanking, yielded to most of the British demands. By the foresight and alertness of Commodore Lawrence Kearny, who commanded our East India squadron, the United States gained through this treaty some important concessions for American merchants. Before the treaty was signed, Kearny induced the Chinese Government to agree to grant to the United States whatever commercial privileges were accorded Great Britain, — in other words, to place our citizens "upon the same footing as the nation most favored." Hence, when the treaty was put into operation, the imperial edict announced that the Chinese tariff duties and trade regulations would be the same for other Christian countries as for England. Commerce with China was to be open to all nations upon the same terms and conditions.

Those familiar with the facts were aware that the psychological moment had arrived for the United States to press negotiations for a treaty of its own. Tyler, though he may have seemed dilatory to an enthusiast like Dr. Parker, was really not forgetful; and Caleb Cushing

¹ Adams became so much absorbed in this subject that, in November, 1841, he delivered a lecture on the Chinese question before the Massachusetts Historical Society.

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was at hand to see that the matter was not shelved. On December 27, 1842, shortly after the opening of Congress, he wrote the President as follows:

"I beg leave to submit to you some suggestions upon two very important points of immediate interest in our foreign relations.

The British Government has succeeded in forcing China to admit British vessels into five ports in the Chinese Empire and to cede to England in perpetual sovereignty a commercial depot and fortified port on the coast of China.

It does not appear that England contemplates attempting to exclude other nations from similar free access to China. But it does appear that she has made the arrangement for her own benefit only, and, if other nations wish for like advantages, they must apply to China to obtain them on their own account.

Is not the present, therefore, an urgent occasion for despatching an authorized agent of the United States to China, with instructions to make commercial arrangements in behalf of the United States?

I know it is said that England does not expect to establish a resident diplomatic mission in China. Nor do I propose this. All that I propose now is a special mission, public, yet of such an informal character as to be able to treat either with the Imperial Court directly, or, if that be not permitted, then with any of the provincial authorities.

I have information from Canton that the Chinese are predisposed to deal kindly with us, the more so as we only can, by the extent of our commerce, act in counterpoise to that of England, and thus save the Chinese from that which would be extremely inconvenient for them, viz., the condition of being an exclusive monopoly in the hands of England. . . .

I add that, if an Agent of the United States should be sent from China, and should succeed there, he might proceed from thence for the same purpose to Japan.

It seems to me that Congress could not fail to support you on these measures, and that, if Congress should refuse to do it, the country would nevertheless justify you in proposing it to Congress."

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Precisely what part this letter had to do with the President's decision will probably never be known; but the fact is that Tyler, on December 30, sent to Congress a Special Message, composed by Webster, dealing fully with the Chinese situation, and recommending an appropriation for an American Commissioner to reside in China. Much stress was laid on the point, already brought out by Cushing, that, although Great Britain had led the way in bringing China into the company of civilized western states, there was as yet no certainty that the ships of other nations would be tolerated in the so-called "open ports," and that, for this reason if for no other, it was essential that America should make her own arrangements.

This message having been referred in the routine way to the House Committee of Foreign Affairs, Adams, the Chairman, prepared a bill appropriating the sum of \$40,000, for the purpose of establishing "the future commercial relations of the United States with China on terms of equal reciprocity," and providing that the money should be accounted for under the terms of the act of July 1, 1790. This was read twice in the House, and referred to the Committee of the Whole. Meanwhile Webster, who objected to having any restrictions placed on the expenditure of the money required, wrote Adams in protest, and the latter persuaded his committee to authorize him to strike out these sections from the reported measure.

On February 21, Adams moved that the Committee of the Whole take up the Chinese Bill, following his motion with an amendment removing all inhibitions on the use of the \$40,000. A spirited debate of three hours ensued, several gentlemen speaking in opposition, among them being Meriwether, of Georgia, Clark, of New York,

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and McKeon, of New York, — the last of whom declared himself averse to the whole scheme of the mission, on the ground that it was both extravagant and unnecessary. The bill was finally passed, with Adams's amendment, by a vote of 96 to 59. Caleb Cushing took no part in the debate and was not on the floor when the roll was called. On March 3, that momentous last day of the session, Archer, of Virginia, presented the bill to the Senate, where it met with some caustic criticism from anti-administration senators, especially Silas Wright and Benton. The latter rather shrewdly directed attention to Webster's secret motives:

“The Chinese minister and his suite are to have \$40,000; the gentleman who goes to London in place of Mr. Everett will have near \$20,000. That gentleman is to be the Secretary of State; and thus near \$60,000 are to be paid to get him to London! To get a gentleman to London whose name cannot be submitted to the Senate for that appointment!”

But very few took Benton seriously. In spite of his complaints, the bill was approved, but with amendments stipulating that no one of the party should receive over \$9000 a year and that no envoy should be named without the consent of the Senate. Before the next morning, Edward Everett had been nominated by the President as Minister Plenipotentiary to China, and confirmed without discussion.

All this had been done without any official notice to Everett, who learned of it only through private correspondence or newspaper gossip. On March 10, however, Webster sent him a long letter, in which he explained the facts, at the same time disclaiming, rather feebly, any desire to supersede Everett at London:

“You see it said in the newspapers that the object in nominat-

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ing you to China is to make way for your humble servant to go to London. I will tell you the whole truth about this without reserve.

I believe the President thinks there might be some advantages from an undertaking by me to settle our remaining difficulties with England. I suppose this led him to a certain idea, now abandoned (at least for the present), of an extra mission; but, in the present state of things, I have no wish to go to England, — not the slightest. To succeed you in England for the mere purpose of carrying on for a year or two the general business of the mission is what I could not think of. I do not mean only that I would not be the occasion of transferring you elsewhere for any such purpose; but I mean that, if the place were vacant, I would not accept an appointment to fill it, unless I knew that something might be done beyond the ordinary routine of duties. At present I see little or no prospect of accomplishing any great object. . . . I wish you . . . to feel that, as far as I am concerned, your appointment to China had not its origin in a desire that your present place should be vacated. If it were vacant now, or should be vacated by you, there is not one chance in a thousand that I should fill it."

One cannot help feeling that Webster here protests too much; indeed his eagerness to have Everett accept was evident to all his friends. When Adams expressed himself as gratified by the appointment, Webster urged him to write Everett, pressing him not to refuse the mission to China. But Edward Everett was no novice in political intrigue. Comfortably ensconced in London, among surroundings which pleased his cultivated taste, he was not desirous of being summarily exiled to what seemed a far-off, uncivilized part of the world. Regardless of Adams's letter, he informed Webster courteously but firmly that the health of his family made it impossible for him to undertake such a long voyage. It was obviously impracticable to remove Everett by force from the Court of St. James, and Webster had to recognize that

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“The best-laid schemes o’ mice an’ men
Gang aft agley.”

In their embarrassment, Tyler and Webster tried to fall back on the expedient of a special mission to England for the purpose of settling some of the disputes with that country, especially those over the Oregon boundary and colonial trade, which had not been adjusted by the Ashburton treaty. On February 24, 1843, Webster sent to Cushing a letter, marked “private and confidential,” regarding the possibility of securing the approval of the House Committee of Foreign Affairs for a “special extraordinary mission” to England, and enclosing a draft of a proposed message from the President to Congress on this subject. Probably such a mission in 1843 would have been attended by beneficial consequences, and Webster, as our representative, would have done much to maintain amicable relations between the two Anglo-Saxon countries. But the proposal, although supported warmly in the Committee by Cushing, Holmes, and Adams, was rejected by a vote of six to three, mainly because opposition to it seemed to be an easy method of thwarting the President. Cushing advised Webster and Tyler that such a measure would undoubtedly be defeated in the House, and it was carried no further.

Balked in his plans for making a graceful exit from the cabinet by way of London, Daniel Webster now determined to resign his office. On May 8, he filed with President Tyler his formal withdrawal, accompanying it with a generous expression of his good will towards the Executive. The two gentlemen parted with the utmost friendliness of feeling, and their intimacy, in spite of later political divergencies, continued until Webster’s death.

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Meanwhile Caleb Cushing, despondent over his rejection for the post of Secretary of the Treasury, had gone north, fully believing that his old friend, Everett, was to be Commissioner to China. In the middle of April, however, Cushing, at a summons from Webster, returned to the capital. As soon as Everett's positive declination arrived, both Webster and Tyler thought at once of Cushing's qualifications for the Chinese Mission. By nominating him during the Congressional Recess, Tyler could prevent the Senate from blocking the appointment, for, by the time Congress would again assemble, our envoy would be in another quarter of the globe and no disapproval by the upper house would be effectual. On May 8, the very day of Webster's resignation, it was announced that Caleb Cushing, of Massachusetts, was designated as Commissioner to China. Tyler had discomfited his opponents by rewarding one of the men whom Henry Clay most disliked.

There was, of course, some hostile comment. Benton, in his *Thirty Years View*, thought it worth while to devote an entire chapter to the affair, but his account is so blindly and viciously partisan that it is wholly untrustworthy. Nor was John Quincy Adams pleased with the outcome. In his *Diary* for July 3, 1843, he wrote:

"Mr. Caleb Cushing, Commissioner Plenipotentiary to China . . . paid me a morning visit before breakfast. Cushing's visit would have surprised me, but that he told my son last Friday that he intended to make it. He has not made his court to Captain Tyler in vain. His obsequiousness and sacrifice of principles lost him the favor of his constituents, who repudiated him at the recent elections; but Mr. Tyler had more precious favors in his gift, and has lavished them in profusion on Cushing. He is to embark in a few days for Alexandria, in Egypt, to proceed thence overland to Bombay, where he is to find the steamer *Missouri*, which is to take him to Canton."

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The misrepresentation of truth in this paragraph is altogether unworthy of Adams, who in this case, as in many others, allowed his prejudices to color his version of contemporary events. Instead of sacrificing his principles, Caleb Cushing had stood manfully and bravely by them. He had not been repudiated by his constituents, but had repeatedly been assured that, if he would allow his name to be used, he could be re-elected. Furthermore, President Tyler could not have selected, with the possible exception of Daniel Webster, a man more fully equipped for dealing with China. Seldom in our diplomatic history has an American envoy to foreign shores been better adapted by temperament and training for his specific task.

In general, the public was pleased. Even Cushing's enemies were glad to have him out of the country for a year; and his friends felt that he had found at last a fortunate issue out of his many tribulations. The *Madisonian* published a leading article in which Caleb Cushing was lauded to the skies. From his former colleagues, including George N. Briggs, Levi Lincoln, Rufus Choate, and Daniel Webster, he received congratulatory letters which did his heart good.

It was characteristic of Cushing that he was at once absorbed in preparation for his new position. No government official ever took his responsibilities more seriously. He secured copies of all the important treatises on diplomacy and international law. He made a list of books dealing with China and the Chinese, and began to read them with great care. He assembled clippings from newspapers on Chinese subjects from as far back as 1840. For several weeks he was engaged in what was practically research work, — the labor of a scholar to become fully acquainted with a subject. Before he left America, he

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had mastered virtually all the material which could assist him in his task.

Early in June, Cushing set out with Tyler and most of the cabinet officials on a tour, the true destination of which was Boston, where the Bunker Hill Monument was to be dedicated. It was a difficult ordeal for Tyler. The Boston *Atlas* published an editorial, recommending that he be treated with courtesy, — “a cold, formal, and ceremonious respect,” — but without any “open indignity.” The party reached Boston on Friday, June 16, a bleak and cheerless day. On the 17th, the anniversary of the battle, the weather was bright and warm, and Cushing rode with his classmate, George Bancroft, in a carriage in the first division of the parade. Daniel Webster, the orator eighteen years before at the laying of the cornerstone, was again the speaker and delivered a memorable address. In the evening there was a huge dinner in historic Faneuil Hall, at which Joseph T. Buckingham presided, with Tyler on his right and Webster on his left. The speakers were Tyler, George Ticknor Curtis, John C. Spencer, James M. Porter, George Bancroft, Upshur, Wickliffe, and Caleb Cushing, — the last being introduced by the presiding officer with the toast, — “The Chinese Empire: in all its celestial surface there was no mound like Bunker Hill.” Cushing said, in closing his remarks:

“I have been entrusted with a commission of peace, and with the duty of bringing nearer together, if possible, the civilization of the Old and New Worlds, — the Asiatic, European, and American continents. For though, of old, it was from the East that civilization and learning dawned upon the civilized world, yet now, by the reflux tide of letters, knowledge is being rolled back from the West to the East, and we have become the teachers of our teachers. I go to China, sir, if I may so express myself, in behalf of civilization, and that, if pos-

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sible, the doors of three hundred millions of Asiatic laborers may be opened to America. And if there is to be another Bunker Hill Monument, may it not be to commemorate the triumph of power over people, but the accumulating glory of peaceful arts and civilized life.”

On the eve of his departure for Washington, Cushing was the central figure at a dinner given at the Tremont House, in Boston, by a group of prominent merchants engaged in the China trade. The festivities, we are told, began at an early hour on Saturday afternoon, July 1, and the gathering did not disband until well beyond midnight. Caleb Cushing was repeatedly toasted in wines of ancient vintage, and both he and Webster made speeches which were declared to be incomparable.

Not all the spring, however, could be devoted to such diversions. It was Tyler’s wish that nothing should be omitted to make the mission impressive. Cushing himself, who was to be allowed a salary of \$9000 and an outfit up to that amount, was provided with two appointments; one as a Commissioner, authorized to treat with the governors of provinces and cities; another as Envoy Extraordinary and Minister Plenipotentiary, to be used at the Emperor’s court. In a note to Webster, the President had said:

“If Congress makes a liberal appropriation, such as becomes the subject, I propose to send to China the *Pennsylvania*. If they make a small affair of it, any cock-boat will do.”

When the squadron was finally made up, it was imposing enough, — including four vessels, the new steam frigate *Missouri*,¹ the frigate *Brandywine*, the sloop-of-war

¹ The *Missouri*, and her sister ship, the *Mississippi*, were the largest steam frigates then afloat. Our navy was very proud of her, and she had been visited by thousands of people while attached to the home squadron.

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St. Louis, and the brig *Perry*, together mounting over two hundred guns. Commodore Parker, in command of this fleet, was instructed to proceed "to the China seas, by the way of the Cape of Good Hope," and to start on the return voyage by December 1, 1844, taking the route across the Pacific and around Cape Horn.

The official party was well constituted. The Secretary was to be Fletcher Webster,¹ who was appointed on April 24, when it was still believed that Edward Everett would be the Commissioner. The surgeon was Dr. Elisha K. Kane, and there were four young men,—John H. O'Donnell, of Maryland, Robert L. Mackintosh, of Virginia, John R. Peters, of New York, and George R. West (an experienced draftsman),—who volunteered to serve as *attachés*, without pay, in order to gain experience in diplomatic affairs. Dr. Peter Parker, who had done so much to make the mission possible, and the Reverend E. C. Bridgman, both of them missionaries familiar with the Chinese language and customs, were employed as "Chinese Secretaries."² On the whole, as John W. Foster has pointed out, Cushing "went to his post with much more display than had been usual with American diplomats." His own official costume, selected after con-

¹ Daniel Fletcher Webster (1813–1862), Daniel Webster's oldest son, graduated at Harvard College in 1833 and became his father's private secretary. At his father's death in 1852, he inherited the Marshfield estate. He was commissioned during the Civil War as Colonel of the 12th Massachusetts volunteers, and was killed on August 29, 1862, in the battle of Bull Run.

² Caleb Cushing wrote of Parker and Bridgman,—“They are of that most praiseworthy and meritorious class of men, who devote themselves to the propagation of the gospel in pagan lands, and deservedly stand among the highest in estimation of the American missionaries in the East. They were pre-eminently useful to the Legation, not only as interpreters and translators, but also as *advisors*, by reason of their long and exact knowledge of China.”

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sultation with Webster, was the uniform of a Major General, — a blue coat with gilt buttons, richly embroidered, a white vest, white pantaloons with a gold stripe down the seam, and a chapeau with a white plume. There was some criticism of the mission because of its alleged ostentation and extravagance, but most of the unfavorable comment came from those who, like Benton, would have disapproved of anything. It is probable that a more modest equipment would have been less graciously received by the Chinese.

Unusual care had been taken in securing all available information regarding Chinese etiquette, little about which was definitely known in this country. In a circular issued in March, 1843, the Department of State asked for the "opinions and suggestions" of persons familiar with the East. Some of the replies were exceedingly valuable, especially a communication from the firm of Griswold and Green, outlining the chief difficulties and the best methods of overcoming each, and emphasizing particularly the importance of resisting the conventional Chinese stipulation that foreign envoys perform a *Kotow*, or low obeisance, indicating the superiority of the Imperial Government. They also recommended full reliance on an expert interpreter, versed in Chinese ways, like Dr. Parker. A group of Boston merchants sent some practical advice, one paragraph of which Caleb Cushing kept in mind throughout his dealings with the Orientals:

"The Chinese want no political intercourse with foreign nations, and they will only permit it through fear of armed compulsion, or through a politic desire to offer us *voluntarily* what has been *forced* upon them by others. . . . If they find that we recede from any position once taken, they learn our weakness and will take advantage of it to the utmost. . . . If

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our Envoy does not see his way clear to *succeed*, let him do nothing. . . . We repeat our firm conviction that he can do only mischief by attempting to gain any point by negotiation which the Chinese are not ready to grant."

Before retiring from the Department of State, Webster, after consulting a number of authorities on Chinese affairs, furnished Cushing with the usual official letter of introduction, outlining the course of action which the latter was to pursue. Referring to the concessions already secured by Great Britain from China, Webster said, "A leading object of the mission in which you are now to be engaged is to secure the entry of the American ships into these ports on terms as favorable as those which are enjoyed by British merchants." Cushing was enjoined to emphasize the pacific nature of the mission, and urged "to cultivate the friendly dispositions of the Government and the people, by manifesting a proper regard for their institutions and manners, and avoiding, as far as possible, the giving of offense either to their pride or their prejudices." At the same time, he was directly to assert and maintain, on all occasions, the dignity of his country; and he was expressly forbidden either to pay tribute or to receive gifts. He was instructed to reach Peking if possible, but the matter of demanding a personal interview with the sovereign was wisely left to his discretion. Especial force was laid on the desirability of "keeping before the Chinese the high character, importance, and power of the United States." Under no circumstances was he to enter into negotiations except upon a basis of equality of intercourse and then only with the most exalted officials.

Cushing was made the bearer of a letter, addressed to the Emperor of China and signed by the President of the United States, but actually composed by Webster

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before his departure from the cabinet. This letter, dated July 13, 1843, had been countersigned by Upshur, and has, therefore, been frequently attributed to him as well as to the unfortunate Tyler. Webster's authorship seems to be well established, but the document was unworthy of his literary skill. For some reason, he had conceived a theory that the Emperor ought properly to be addressed in words like those in a child's edition of *Robinson Crusoe*, and in a tone of gentle, even half-ironical, condescension. The letter reads in part as follows:

"I, John Tyler, President of the United States of America . . . send you this letter of peace and friendship signed by my own hand.

I hope your health is good. China is a great empire, extending over a great part of the world. The Chinese are numerous. You have millions and millions of subjects. The twenty-six United States are as large as China, though our people are not so numerous. The rising sun looks upon the great mountains and great rivers of China. When he sets, he looks upon rivers and mountains equally large in the United States. Our territories extend from one great ocean to the other; and on the west we are divided from your dominions only by the sea. Leaving the mouth of one of our great rivers, and going constantly towards the setting sun, we sail to Japan and to the Yellow Sea.

Now my words are that the Governments of two such countries should be at peace. It is proper, and according to the will of Heaven, that they should respect each other, and act wisely. I therefore send to you Count Caleb Cushing, one of the wise and learned men of this country. On his first arrival in China, he will inquire for your health. He has then strict orders to go to your great city of Peking, and there to deliver this letter. He will have with him secretaries and interpreters.

The Chinese love to trade with our people, and to sell them tea and silk, for which our people pay silver, and sometimes

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other articles. But if the Chinese and Americans will trade, there should be rules, so that they shall not break your laws nor our laws. Our minister, Caleb Cushing, is authorized to make a treaty to regulate trade. Let it be just. Let there be no unfair advantage on either side. Let the people trade, not only at Canton, but also at Amoy, Ning-po, Shanghai, Fu-chow, and all such other places as may offer profitable exchanges both to China and the United States, provided they do not break your laws nor our laws. We shall not take the part of evil-doers. We shall not uphold them that break your laws. Therefore we doubt not that you will be pleased that our minister of peace, with this letter in his hand, shall come to Peking, and there deliver it; and that your great officers will, by your order, make a treaty with him to regulate affairs of trade, — so that nothing may happen to disturb the peace between China and America.”

The geography and political economy so carefully and superciliously imparted in this extraordinary document must have amazed the Emperor, if, indeed, it ever reached his eyes. To us, the choice of “Count” as a title for Caleb Cushing is a delightful touch; but Webster’s sense of humor was always somewhat heavy, and he probably composed this masterpiece without a smile. With this formal communication, Cushing carried also a note in the same inimitable style but of a less conventional character, introducing him to the Emperor’s good graces. Cushing had, of course, seen these letters, and may possibly have suggested some alterations in them. On June 27, he wrote from Newburyport to W. S. Derrick, at Washington:

“I avail myself of the earliest time after recovery from a severe attack of the prevailing epidemic influenza, to enclose to you the accompanying paper. It is a draft prepared by Mr. Webster, of the President’s letter to the Emperor of China. Please to submit it to Mr. Upshur for the approval of the President and himself. It was Mr. Webster’s plan to have it

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copied in an ornamental form and placed in a suitable box, concerning which he says he gave directions to Mr. Stubbs."

But the responsibility and the glory,—if any,—attached to the composition of those letters belongs to Daniel Webster.

Cushing, after convalescing from his illness, left Newburyport in early July, stopping for a day or two at the Astor House in New York, to say farewell to friends. On Sunday, July 9, he arrived in Washington, only to endure a long delay. The expedition seemed to start under evil auspices. The giant *Missouri*, his flag-ship, came up the Potomac in order to take him on board at Washington, but grounded on an oyster-bed, losing an officer and fifteen of the crew. She returned to Hampton Roads for repairs, and Cushing did not actually embark until July 31, taking with him his formidable letters and a large library of books on diplomacy and government reports.

After what Cushing called "a prosperous and expeditious voyage," the fleet arrived on August 18, at Fayal, in the Azores. Eager for exploration and unwilling to let any opportunity for acquiring knowledge go by, he climbed the extinct volcanic mountains on the main island and then ascended the summit of Pico, having with him as a companion Professor Webster, of Harvard University.¹ On his return Cushing was given a grand ball in the consulate by his hosts, Mr. and Mrs. Dabney, and pleased everybody by dancing with the island beauties. An anecdote showing Cushing's unremitting industry is related by Rodman M. Price, one of the officers of the *Missouri*:

¹ Professor Webster was later convicted and executed for one of the most ghastly and cold-blooded murders in all the history of crime.

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"Although the *Missouri* was to sail the next morning at daybreak, Mr. Cushing, who had attended the ball, did not reach the ship till long after midnight. At early morning, to the surprise of the writer, Mr. Cushing sent his servant to my stateroom with a manuscript, which required nearly an hour to read. It gave in detail, as the result of his two days' observations, the geology, topography, geography, history, production, and commerce of the Azores. He desired advice as to whether or not it was worth being left with Mr. Dabney to be sent home for publication. The paper was truly remarkable for the vivid and comprehensive picture of the islands which it contained, and I had the pleasure of handing it to Consul Dabney when he came on board to take his farewell of us. The article subsequently appeared in a Boston newspaper. No better illustration could be furnished of Cushing's industrious habits. Returning at a late hour to the ship, although wearied, it is certain that he must, instead of seeking rest in sleep, have spent the remaining watches of the night in arranging his materials, in collecting his facts, and perfecting the contents of that most interesting paper."

It was certain that Caleb Cushing would always do his task thoroughly. During his voyage to China, he voluntarily sent to the Department of State thirty long reports, dealing with various phases of the trip and giving important details regarding the countries which he visited. These documents, still on file in our archives, give information of much value, particularly concerning Gibraltar, Malta, Egypt, and India. Furthermore he furnished the National Institute at Washington with regular letters about the geology, mineralogy, and physical character of each place where he stayed for any length of time. Cushing's ability to acquire, assimilate, and correlate facts was nothing short of extraordinary.

The party arrived at Gibraltar on the evening of August 25, where the *Missouri* was accorded an ovation by the British squadron and the other foreign vessels of

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war in the harbor. Even the most critical were impressed by her size and the beauty of her lines. About sunset on the following day, however, while she was coaling and several of the officers, with Cushing, were dining with the American consul, a cry arose in the street, "El vapor del frigate Americano es del fuego!" As Cushing stepped to the front door of the consul's residence, he could see the flames rising as high as the *Missouri's* main-top, and it was evident at a glance that she was doomed. Captain Newton returned at once with Cushing in his private launch to the vessel and secured the trunk containing his official papers, but nearly all his personal belongings, including his magnificent uniform, were destroyed. Gradually, as night came on, the conflagration lighted up the harbor, revealing the frowning citadel and towering rock of Gibraltar looming up like a spectral shadow over the burning vessel. Then she began to settle, but, until the masts fell overboard, the tracery of her spars and shrouds stood out in beautiful relief against the dark sky. On the next morning, nothing could be seen but the top of a smouldering wreck, aground on a harbor shoal.

Of necessity, Cushing lingered at Gibraltar longer than he had intended to do, — long enough for him to prepare and send off what he called "some desultory observations concerning the military, political, and commercial relations of the city and fortress of Gibraltar." On September 7, leaving the American squadron to go around the Cape of Good Hope, Cushing took passage in the British steam-packet *Oriental*, reaching Malta five days later. Here he called on Sir Patrick Stewart, the British Governor, and spent some hours in writing the State Department regarding some important information which he had received, especially the appointment of a

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French Embassy to China. Going on to Cairo, Cushing had a glimpse of the Sphinx and the Pyramids and took a voyage of two days up the Nile. In Alexandria, he was presented to Mohammed Ali, the Viceroy of Egypt, whom he called "certainly the most remarkable man of his day out of the limits of Christendom," and with whom he carried on a long conversation on world politics. When Cushing reached Suez, after the overland trip from Port Said, he made up a party to examine the remains of the canal of Ptolemy, and was convinced that, although there were obstacles to the excavation of a canal from the Red Sea to the Nile, they were not insurmountable. At Suez, again, Cushing sent home a full and scholarly account of the Maltese Islands, their history, geography, and physiography, and also a long description of Egypt, covering Arabia and Syria as well as the Nile Valley.

On October 5, Cushing left Suez on the *Cleopatra*, arriving in Bombay on November 15, to find the *Brandywine* already in port there, after a long voyage around the Cape and through the Indian Ocean. Here the American party, the other members of which, including Fletcher Webster, had remained on the *Brandywine*, were reunited. At Bombay, they were received with distinguished courtesy by Sir George Arthur, the British Governor. When Cushing landed, he was greeted by a guard of honor and a salute from the fort. He was overwhelmed by invitations from Aga Mahomed Rahim, the local potentate, and attended a splendid festival given in honor of the American visitors. He made an excursion with Fletcher Webster into the Mahratta country, where he watched a tiger hunt and reviewed a noble array of British troops. Occupied though he was with entertainments, he found time to write several long reports

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for Washington, including a description of Aden, a discussion of the relations of the American Government with the Barbary States, and a study of the existing arrangements for the conveyance of mails and passengers, by steam, between Great Britain and her eastern possessions.

From Bombay he proceeded to Colombo, where he was the guest of Sir Colin Campbell. Then for some weeks they sailed among the islands celebrated in our day by Joseph Conrad, finally casting anchor on February 24 in Macao Roads, at the mouth of the bay of Canton. Two days later, Cushing wrote that the *Brandywine* must go at once to Hongkong to take in supplies and "to make arrangements preparatory to continuing her voyage towards Peking." On February 27, he landed at the Portuguese port of Macao,¹ under a salute from the batteries of the fort, and paid his personal respects to the grizzled Governor, D. Jose Gregorio Pegado. Forbes, the United States Consul at Canton, was on the dock to bid him welcome.

Cushing's first official act was to despatch a formal communication to Ching, Governor General of the Kwang Tung and Kwang Se provinces, stating his authority and the purpose of his mission, and announcing that he was on his way to Peking to deliver a letter to the Emperor. He then took apartments on the Praya Grande in Macao, and, while awaiting a reply, occupied himself with his correspondence and with a study of conditions around him. A long letter from Edward Everett brought him the pleasing news that the Chinese had

¹ Macao was an ancient Portuguese settlement on a rocky promontory about a mile wide, stretching into a bay which receives the Kiang River, seventy miles south of Canton. In 1843, it had about twenty thousand inhabitants.

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agreed to admit Americans to all the concessions granted the British in the Treaty of Nanking. Meanwhile Cushing had sent O'Donnell, one of his suite, with a note to Sir Henry Pottinger at Hongkong, and had received a kindly reply, together with copies of documents explaining the Anglo-Chinese commercial agreements.

During his voyage through the Indian Islands, Cushing had undertaken to master the Chinese language and had made some progress; but he estimated that, owing to the peculiarities of this tongue, one year of assiduous study would afford but an imperfect knowledge of it. Characteristically, however, he turned to the Manchu language, which, unlike Chinese, was alphabetical and had a methodical, precise, and regular grammatical system. "It is," wrote Cushing, "in no respect more difficult of acquisition than the languages of Europe." There were, furthermore, an excellent Manchu Grammar, in French, and a Manchu-French Dictionary, which Cushing and Fletcher Webster used in their studies. By the aid of a native teacher, with whom he conversed every afternoon, Cushing was soon able not only to understand but also to speak Manchu with some fluency, frequently surprising the Chinese by the extent of his vocabulary and the purity of his pronunciation.

Cushing omitted no detail that would make for a happy outcome of his mission. Finding, to quote his own words, "that very imperfect and incorrect notions exist in China as to the Constitution and character of the United States," he prepared a brief account of our country and its history, which he translated into Chinese. It was discovered later that the knowledge which the clever Chinese had of our institutions was greater than had been suspected.

From Dr. Parker and Dr. Bridgman, Cushing had

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been gathering facts regarding Chinese habits and etiquette. The two missionaries had taken up their task as translators, working with Stanislas Harniss, who was employed as Portuguese interpreter to carry on intercourse with the authorities at Macao. There was ample time for getting everything in order, for Ching did not seem at all precipitate in his reply to Cushing's letter. The acting Governor General had been apprised some months before of the appointment of an American Envoy, and should, therefore, have been somewhat ready for his arrival; but he seemed to be a victim of procrastination. On three occasions Ching sent a representative to visit Dr. Parker, with the object of securing from him some information regarding Cushing's instructions, but Parker was too astute to betray anything and merely smiled in answer to interrogations. Finally, on March 19, came the long-delayed reply from Ching, — a carefully worded document, assuring Cushing that the Emperor was "in the enjoyment of happy old age and quiet health" and pointing out the obstacles in the way of Cushing's proceeding to Peking. Ching, in fact, had received confidential orders to "soothe and stop" the American envoy, and his letter was a masterpiece of non-committal and dilatory diplomacy. Had not Caleb Cushing been fully warned of the subtleties of the Chinese mind, he might have been irritated by methods which were obviously unbusiness-like. As it was, he sent an answer immediately, declining to enter into any discussion with any but an Imperial Commissioner and reiterating his determination to continue to the North. Meanwhile Ching had reported Cushing's arrival to the Imperial Court, and accordingly notified the latter that a duly accredited Chinese representative might soon be expected. Parker, who translated this communication, wrote Cushing:

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"The letter seems to be written with good feelings, & the Governor seems to have made for himself as good a case of a bad one as practicable. The memorial of the Governor is probably on its road to Peking, tho of this I am not sure, as he may be waiting for you to say that you will be much obliged to him to do as he has promised. Rumor says that Ching has already written to the North to say that if foreign men of war make their appearance there, firing off their cannon, this need not alarm, for it is the custom of foreign men of war thus to do. So far as I can ascertain, the expectation is entertained by the Chinese that you will certainly proceed to the North, but I am not so sure there will not be an effort to cause delay till the N. E. monsoon shall impede your progress thither."

The correspondence between Cushing and Ching continued to drag along, the former insisting, with cumulative aggressiveness, that something definite must be done. On April 4, Cushing wrote to ask how long it would take to get an answer from Peking, to which Ching replied that at least three months would be required for the messenger to go and return. Impatient of this delay, Cushing consulted Dr. Parker to ascertain whether the Chinese were deliberately holding up progress, and was assured that the slowness was typical of all negotiations with oriental races. On April 12, Dr. Parker wrote from Canton:

"A representative has just called with a verbal message from Governor Ching and Judge Hwong, which, agreeably to promise, I now transmit to Your Excellency. He states that Kiyeng has been appointed Governor General & also Imperial Commissioner, & that he may be here in about one month. He is coming 'fast,' was the expression. Being on familiar terms with him, having sent the Chinese attendants away, I reiterated *emphatically* that Y.E. must absolutely go to Peking, & that you cannot suffer the favorable monsoon to pass unimproved. But as he stated Kiyeng might be here in one month, & I suggested it might be more, & then another month might be consumed

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in negotiations, when it would be too late to proceed to Peking by water. I then ventured upon my own responsibility to ask him this question, — whether if, on condition that Your Excellency in waiting for Kiyeng should be too late for the monsoon, can security be given that everything shall be arranged & you be permitted to go by land. He very promptly expressed his opinion that such agreement may be made. He says if you go to Peking by the inland route, he shall accompany the envoy, & say there need be no fears of molestation. . . . My impression is that the delay of the Governor to answer your last, is with a view to hear from Peking.”

Cushing had now exhausted his patience, and began to believe that nothing but a show of force would be effectual. On April 15, Dr. Parker wrote:

“I suppose that before proceeding to the North, you may address a final communication to Acting Governor Ching, putting the whole matter in its just light, showing that all the circumstances of the case, required of the American Government, previous to your arrival and of Y.E. since, have been duly attended to, & thus precluding all charges of neglect being preferred on your arrival at the North. The *right* of the case being on the part of Y.E., it will be easy to show this, & there will be no mortification on meeting high officials at the North, by being reminded of steps that ought to have been taken which have been omitted. . . . I have reason to suspect that the Governor is early expecting the arrival of Kiyeng.”

On April 16, following Parker's suggestion, Cushing sent a stiff communication to Ching, stating that, under the circumstances, he had resolved to leave Macao immediately in the *Brandywine*. He went on to say:

“Your Excellency is well aware that it is neither the custom in China, nor consistent with the high character of its sovereign, to decline to receive the embassies of friendly states. To do so, indeed, would among western States be considered an act of national insult, and a just cause of war.”

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A week later he expressed himself again in a forceful way, saying:

“Coming here, in behalf of my Government, to tender to China the friendship of the greatest of the powers of America, it is my duty, in the outset, not to omit any of the tokens of respect customary among western nations. If these demonstrations are not met in a correspondent manner, it will be the misfortune of China, but it will not be the fault of the United States.”

Cushing, before departing from Macao, made up his mind to try other measures. On April 17, he asked Commodore Parker to take the frigate *Brandywine* from Macao Roads up the Bay of Canton to Whampoa. This positive step at last produced results. Dr. Parker wrote on the next day:

“Yesterday an aide-de-camp of the Acting Governor came to see me to discuss the subject of the frigate’s visit to Whampoa. He was rather disposed to ‘browbeat’ & assume the old-fashioned ‘mandarin’ airs. I endeavored to meet plainness with plainness & without arguing sundry points further than I deemed expedient, gave him to understand that the Commodore had plans of his own which it was not my province to alter. . . . He put great stress on the alarm the firing of a salute would produce among the populace, & urged very hard that the frigate should return to Macao & wait till the fourth moon, when Kiyeng would be here, & all things be amicably settled by a personal interview with him.”

Commodore Parker, however, went straight to the water-front at Whampoa, where he fired a salute without arousing any untoward excitement. On April 20, Dr. Parker wrote Cushing of another visit from the same aide-de-camp:

“The tone of the officer was entirely changed from what it was the other day. . . . I think that a fair, upright, fearless,

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judicious policy is the true one with such a pusillanimous & haughty government. It is clear that they have no desire or intention of comparing strength with a foreign nation just yet."

On April 24, Cushing, replying to some protestations of Ching's that as much haste as possible was being made, showed himself angry at the excuses by which he was being put off. He said, in part:

"I can assure your Excellency that this is not the way for China to cultivate good will and maintain peace. The late war with England was caused by the conduct of the authorities at Canton, in disregarding the rights of public officers who represented the British Government.

If, in the face of the experience of the last five years, the Chinese Government now reverts to antiquated customs, which have already brought such disasters upon her, it can be regarded in no other light than as evidence that she invites and desires war with the other great Western Powers."

Nevertheless he lingered at Macao, hoping that news might arrive from Peking; and at last, on May 4, Ching reported, evidently with relief, that Tsiyeng Paou, or Kiyeng (both forms of the name seem to have been used) was on his way to Canton, to take the office of Governor General of the two Kwang provinces. As Tsiyeng had been the negotiator of the Treaty of Nanking with Sir Henry Pottinger, it was apparent that the Imperial Court had recognized the desirability of treating the American Government as it had treated the British.

This definite news regarding the Imperial Commissioner enabled Cushing to await his coming with less impatience. The interval was not without diversions. On his arrival, he had brought to the American Consul at Canton a new flagstaff and weather-vane, which were at once set up over the consulate. On May 4, Forbes wrote Cushing:

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“There is nothing new here other than some excitement on the part of the country people, growing out of a singular superstition in relation to the arrow on the flagstaff, and I have made up my mind to have it taken down, with a view of preventing any unfavorable impression which its continuance might make in the minds of the Chinese.”

The remainder of the story is told by Forbes in a letter two day later: •

“In my note by Mr. Harris, I mentioned my intention to take down the arrow on the flagstaff to accommodate it to the superstition of the Chinese populace. In doing this to-day, many were attracted by curiosity, & broke into the square, & commenced breaking the flower-pots, & endeavored to possess themselves of the charmed arrow,—in which they failed. The mob then commenced doing other damage to the staff & cut the halyards by which the men were lowering the topmast. There being no mandarins at hand, in order to prevent further mischief, the Americans appeared in the square with a few fire-arms, when they were welcomed by a shower of stones. One or two guns were discharged over the heads of the mob without doing injury, but kept it at a respectful distance. I sent a card into the Governor, who immediately sent out between one and two hundred soldiers, & quiet was restored towards evening, some injury having been done to the Square. I mention these things that you may not be exposed to the exaggerated accounts likely to get abroad.”

On the next morning, when the topmast was hoisted, the mandarins appeared in force and managed to keep order; and the local magistrates assisted by issuing a proclamation to the people, requesting them to be quiet now that the weather-vane, — “which shot to all quarters, thereby causing serious impediment to the felicity and good fortunes of the land,” — had been removed.

The long-expected Kiyeng reached Canton on May 31, and remained there a week, presumably getting from

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Ching all the information possible regarding the attitude and intentions of the Americans. In replying to Kiyeng's announcement of his arrival, Cushing made it perfectly clear that he, as American Commissioner, had "awaited the . . . Imperial Commissioner for a long time, greatly to his own inconvenience and to the prejudice of his country's interests." In Kiyeng's first official communication, the title of the Chinese Government stood, in the address, one line higher in column than that of the United States, this being the conventional Chinese method of indicating the relative importance of the two parties to a correspondence. Cushing at once had the letter returned, pointing out with equal courtesy and firmness the desirability of altering this questionable procedure and suggesting that "the peculiarities in the address employed were probably the result of clerical inadvertence." There can be no doubt that Cushing's polite insistence on the observance of correct formalities was effective in inspiring respect among a people to whom such formalities are the very breath of being. In this case, certainly, Kiyeng apologized for the oversight and directed his clerks to make the necessary corrections.

On June 11, Kiyeng had an interview with Sir Henry Pottinger, and reached Macao on the next afternoon. Meanwhile the *St. Louis* and the *Perry*, two vessels of the Pacific Squadron which Cushing had expected long before, joined the *Brandywine* in Macao Roads, and he had a considerable fleet at his disposal. On the 16th, Kiyeng, accompanied by three Chinese officers of distinction, — Hwang, Chow, and Pwan, — with their respective suites, arrived at a little Chinese village, called Casa Franca, just outside the barrier of Macao. On the next day he established his headquarters at a Chinese temple, dedicated to Our Lady of Mercy, in the little settlement

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of Wang Hiya, between the barrier and the city wall. This temple had been furnished luxuriously for the reception of the Imperial Commissioner, and the accommodation of the numerous soldiers and servants in his train. On June 18, when he made his first ceremonious call on the American envoy, he approached, preceded by axe-bearers, like the ancient Roman lictors. Behind and on either side of him were troops of infantry; while he himself, richly attired, was born aloft in a sedan chair upon the shoulders of bearers. The grand marshal of this procession, wrote Cushing, carried not a sword but a fan; and, upon meeting, the two commissioners shook hands at instead of with each other, and put on their hats instead of removing them. Cushing, we may be sure, had neglected no detail, and, to his immense relief, all interchanges of courtesy were conducted on a basis of equality.

On the following day, Cushing, escorted by Commodore Parker and the American officers of the squadron, returned the visit, with as much pomp and state as could be mustered for the occasion. The Wang Hiya temple was massive and spacious, formed of connected buildings with courts between, and approached by a flight of broad and high stone steps. As the Americans approached, a band struck up, a salute of three guns was fired, and they were led through the courts to an inner building, where Cushing was received by Kiyeng. The Imperial Commissioner was then about sixty years of age, tall, well-formed, and dignified, with features expressing both talent and decision.

When the commissioners met for a business conference, Cushing showed to Kiyeng a general plan for a treaty. Kiyeng frankly admitted at once that, if Cushing persisted in his purpose of going on to Peking, he had



The Wang Hiya Temple, where the Chinese Treaty was signed

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no authority to continue with the negotiation of any agreement. Cushing then expressed himself as prepared to yield in this matter if a satisfactory *entente* could be effected at Wang Hiya. The preliminary obstacles having thus been removed, the road was clear to success.

During the subsequent deliberations, most of the conversation had to be carried on through Dr. Parker and other interpreters, for, as Cushing noted with astonishment, "not one of the men of rank about the Imperial Commissioner had the least knowledge of any of the languages of Europe." In this respect at least, Caleb Cushing was the superior of Kiyeng.¹ After the first draft of the treaty was submitted, Cushing and Kiyeng exchanged frequent informal or semi-official notes; but the real business was done by Webster, Parker and Bridgman for the Americans, and Hwang, Chow, and Pwan for the Chinese, the two groups holding daily conferences in the Chinese headquarters. Here the items were taken up one by one, discussed, and modified if there seemed any need of doing so. Caleb Cushing used to recall with amusement that the important debates took place in an inner shrine, the most sacred crypt of the sanctuary, where on at least one occasion the chief god was compelled to relinquish his seat to Caleb Cushing, Esquire, of Massachusetts.

When once the negotiations commenced, few difficulties arose. The Commissioner's advisers proved to be men of liberal views, indisposed to cavil over techni-

¹ Cushing's linguistic ability deprives of its authenticity a story which, in 1845, went the rounds of the press. "The Hon. Caleb Cushing once dined in China with a Hong merchant, and, being desirous of knowing the component parts of a dish from which he had eaten freely, pointed at it with his finger and said, 'Quack? Quack?' To which the Hong, who knew not the language of his guest, replied, 'No! Wow! Bow! Wow!'"

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calities. Furthermore Cushing had already perused the earlier Chinese treaties with Portugal and England, and knew, in general, what demands would be granted and what would not be conceded. So rapid was the progress that the completed document was ready early in July. Eight copies had been prepared, four in each language, and, on July 3, the representatives of the two nations went through the ceremony of signing them. The room was small, — only thirty feet by ten, — and without windows, the only air coming through the entrance door. At the further end stood a table on an elevated platform, where the two commissioners seated themselves. It was excessively hot, especially for the Americans, who were not, like the Chinese, attired in cool silks for the occasion. When the copies had been signed, two Tartars brought in the great Imperial Seal, with which each was stamped. The Americans were glad to escape from what had been a severe ordeal.

The usual presents were omitted, Cushing having been forbidden to offer or to accept gifts. A banquet was, however, held for the Chinese party in the American Legation building, with several American ladies residing in Macao as guests. Kiyeng, in his turn, invited Caleb Cushing to "a repast of fruits and tea," begging him to come "to enjoy festivities and friendly converse." The "repast" turned out to be an elaborate banquet, on a scale such as the Americans had rarely seen. At the table, which was set for twenty, the left, not the right, was the post of honor. The Chinese insisted that their guests should remove their coats. Fortunately the Americans had all brought white jackets, except one of the *attachés*, who actually sat through the grand diplomatic dinner in his shirt-sleeves. As a preliminary, each guest was given a kind of teapot filled with a hot and

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potent drink called *samchou*. It was the custom for a guest to pour out a cup of this powerful beverage, raise it in both hands, rise, and nod to the friend whom he wished to compliment, and then empty the cup, taking care to expose the inside so that every one might observe that its contents had all been consumed. The dinner itself, which was extraordinarily sumptuous, lasted four hours, beginning with fruit and ending with soup. The menu included such native delicacies as bird nests, sea-snails, roasts of hog's mouths, and sea-weed, as well as turkeys, hams, roasted pigs, and various other meats. At frequent intervals the pledging in long draughts of *samchou* was continued, and the Americans had no means of escaping their responsibilities. Just how clear Caleb Cushing's head was when the ceremony was over he does not tell us, but he evidently went through the trial unscathed, — although he does confess to a "slight languor" on the following morning. Fletcher Webster felt, like Macbeth, as if he had "supped full of horrors."

Some further courtesies were interchanged before the month was over. Cushing sent to Kiyeng a copy of the President's letter to the Emperor, to which Kiyeng tactfully responded that it was so "superlatively beautiful" that he "could not restrain his spirit from delight and his heart from dilating with joy." Kiyeng later insisted on Cushing's acceptance of some Tartar cheese cakes; and Cushing responded, if not in kind at least with equal good will, by giving Kiyeng an engraved portrait of President Tyler, which the Chinaman pronounced to be that of "a person of lofty stature, dignified, and of no common exterior."

Caleb Cushing never reached Peking. That he felt the need of some explanation is apparent from a letter which he wrote to Calhoun, justifying himself for carrying on

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negotiations at Macao. He had rightly assumed that it was his principal task to make a treaty, and that the journey to Peking was intended to be nothing more than a means to an end. He would doubtless have been strongly tempted to go through to the Imperial City if the *St. Louis* and the *Perry* had arrived in season; but their delay had its effect on his decision. Cushing exhibited the best of judgment in remaining at Macao.

The official copy of the Wang Hiya Treaty now was despatched to the Secretary of State, with a letter from Cushing analyzing what had been accomplished and explaining the significance of each of the thirty-four articles. In accordance with a Chinese custom, he noted that the Treaty contained 2982 characters, this being an Oriental method of insuring accuracy in the transmission of the document. Articles I and II provided for "perfect and universal peace" between the United States and the Ta Tsing Empire (China), and stipulated that the United States should participate in any future concessions made to other nations by China. Article III permitted the entrance of American citizens to the five ports of Canton, Amoy, Fuchow, Ning-po, and Shanghai. Other articles defined with legal accuracy the precise privileges to be enjoyed by Americans at these "open ports." Specific sections considered matters of tariff, weights and measures, consular officers, shipwrecks, the collection of debts, the apprehension of mutineers and deserters, and similar problems which are likely to arise between two nations engaged in mutual trade. An interesting feature was Article XXXI, prescribing the process through which the United States could carry on correspondence direct with the Emperor, — a concession which only one other nation, Russia, was at that time allowed. In Article XXXIV, it was agreed that, at the expiration of twelve

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years, the two countries would meet, through representatives, to discuss possible alterations.

Perhaps the most significant provisions of the Treaty were those which, in Articles XXI, XXIV, and XXV, outlined that principle of international law known as "extritoriality," specifying that citizens of the United States accused of crime in China should be subject to the exclusive jurisdiction of American laws and officials, and should be "tried and punished only by the Consul, or some other public functionary of the United States, duly authorized according to the laws of the United States." Civil cases between American citizens in China were to be under the control of American consuls; civil suits between Americans and Chinese, which could not be decided otherwise, were to be "examined and decided conformably to justice and equity by the public officers of the two nations acting in conjunction." On this general subject, Cushing sent a long communication to Calhoun, in which he discussed, with a trained lawyer's interest and acumen, the entire problem of "extritoriality" from a legal and historical viewpoint, laying stress on the fact that Great Britain and Portugal had stipulated for the absolute exemption of their citizens from the jurisdiction of the Chinese courts. Cushing's attitude, — which has since been fully recognized in international law, — was based on the theory that, in a non-Christian country, the local magistrates ought to have no jurisdiction over citizens of the United States; he felt, to quote his own words, "that it was unwise to allow any control over the lives and property of American citizens in governments outside the limits of Christendom."

In a later memorandum, Cushing recommended that "a resident minister or commissioner" be appointed at once, to strengthen the American cause in China and to

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assist in maintaining the policy laid down in the Wang Hiya Treaty. Within a few years Congress passed the necessary statutes making it possible for our consuls to assume the power required for executing the provisions of the treaty in full.

With all due modesty, Cushing, writing on July 5, indicated to the Secretary of State sixteen separate particulars in which he had secured concessions not incorporated in any previous Chinese treaty. On this subject he said:

“Some of the English newspapers have commented rather boastfully upon the fact that the English arms had opened the ports of China to other nations, and at the same time have, with flippant ignorance, ridiculed the idea of a mission from the United States, to do that which (it was said) had already been done wholly by England.

I ascribe all possible honor to the ability displayed by Sir Henry Pottinger in China, and to the success which attended his negotiations; and I recognize the debt of gratitude which the United States and all other nations owe to England, for what she has accomplished in China. From all this much benefit has accrued to the United States.

But, in return, the Treaty of Wang Hiya, in the new provisions it makes, confers a great benefit on the commerce of the British Empire; for the supplementary English Treaty stipulates that any new privileges conceded by China to other nations shall be enjoyed also by England, and there is a similar provision in the Treaty of Wang Hiya; and thus, whatever progress either government makes in the opening of this vast empire to the influence of foreign commerce, is for the common good of each other and of all Christendom.”

It has been admitted by virtually every authority on Chinese affairs that Caleb Cushing performed his task with tact and discretion, and left pleasant recollections behind him in China. Shortly after he returned to America, there appeared in *The Friend of China*, a

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British newspaper published in Hong Kong, an alleged translation of a report from Kiyeng to the Chinese Emperor, in which there were many uncomplimentary references to Cushing and the "stupid ignorance" of the Americans. This document has been generally taken to be authentic, and, as such, has been quoted by both Montgomery Martin and John W. Foster. As a matter of fact, it was a forgery, and, when it was brought to the attention of Kiyeng, he at once declared it to be spurious and published an official copy of his genuine report to the Peking Government. In a letter of March 17, 1845, to various New York and Washington newspapers, Cushing commented upon this forgery and asked to have the true report printed "in justice to Kiyeng and the other Chinese Ministers, my intercourse with whom has left on my mind the most favorable impressions of their dignity, intelligence, and sincerity." Cushing's own version of the negotiations is well expressed in a newspaper article which he prepared in 1852:

"The Chinese government treated with that of the United States unwillingly. It reluctantly consented to enter into treaty stipulations for the security of the commerce and of the citizens of the United States. It yielded to moral pressure in this respect. But when the Imperial Government had made up its mind to yield, it resolved to do so gracefully, and proceeded to act with characteristic straight-forwardness and frankness.

The Imperial Commissioner, a Manchu of high qualities of head and heart, and of perfect accomplishment, said in substance, to the American Commissioner, — 'We have concluded to enter into treaty with you; we do this at your instance, not ours. Give me the draft of a treaty such as you think the interests of your countrymen and the honor of your government require; if we are content with its provisions, we shall say so at once; if not, we shall say so. But, unless you are very unreasonable in what you ask, an amicable discussion and candid consideration of any possible points of difference will result in conditions entirely satisfactory to both governments.' "

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It took some months for the news to reach Washington; but on December 6, 1844, Mrs. John Tyler wrote to a friend:

"The Chinese Treaty is accomplished, — Hurrah! The documents came in to-day, and will be sent to the capitol in a few days. I thought the President would go off in an ecstasy a minute ago with the pleasant news."

Tyler had ample cause for satisfaction, for the Wang Hiya Treaty, together with the Ashburton Treaty already signed with England, was destined to add lustre to his administration. There was, of course, the usual partisan criticism. Senator Thomas H. Benton, whose dislike for Cushing colored every statement he made regarding the mission, is responsible for a published account which presents an absolutely erroneous impression of the treaty. Benton maintained that the embassy was unnecessary, the Nanking Treaty having already secured commercial advantages to America; that Cushing, in his correspondence with Ching, was unjustifiably menacing and dictatorial; and that, in insisting that the title of the Chinese Government should be written on the same line as that of the United States, he had violated the principles of courtesy between nations. To others who are less prejudiced, it appears as one of the noteworthy achievements of our diplomacy. Dr. Parker, for instance, who was on the spot throughout the negotiations, always referred with the highest admiration to the patience and cleverness which Cushing displayed. Mr. William Eleroy Curtis, in his *The United States and Foreign Affairs*, says:

"Looking over the correspondence conducted by him [Cushing] with the Chinese officials, in the light of after years of experience in dealing with these personages, one can not but feel impressed with the keen insight into their strange character and motives."

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The Chinese themselves have frequently voiced their appreciation of the peaceful methods through which this treaty, of so much importance to the trade of their empire, was prepared and perfected.

For some weeks more, Caleb Cushing remained at Macao, attending to the interests of the American residents of Canton and vicinity. At his request, Dr. Parker and Hwang Gan Tung, the Provincial Treasurer, drew up a set of resolutions for the security of citizens of the United States at Canton, and these were, on July 12, formally ratified by the local authorities. In addition, Cushing provided for an extension to the area allotted to Americans in Canton, planned for a high wall around the factories located there, and organized a police force for the protection of the settlement. It was his fortune, also, to see a practical application of his principle of "extritoriality." A body of Chinese ruffians attacked the American quarter at Macao with stones, and a Chinaman named Sue Aman was killed by the defenders. The case was reported by Kiyeng to Cushing, who impaneled a jury of American citizens. These, after deliberation, announced as a verdict that, since the shot was fired in self-defense, the defendant could not be handed over to the Chinese officials. Cushing then persuaded the Macao magistrates to accept this as a satisfactory mode of trial, and the case thus went on record as the first criminal investigation in China wherein the doctrine of "extritoriality" was recognized as applying to American citizens.

Cushing wrote Calhoun on August 2 that the original appropriation for the mission was exhausted by "the salaries and other charges to which it is subject under the orders of the Department," and began to plan for the trip home. He lingered for a few days in order to greet

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the French Mission, under M. de Lagnenee, which reached Macao in the middle of August, and which was arranged, according to Cushing, on a scale of much greater expense than that of the United States. He sent a note of farewell to Kiyeng, with whom he had had most pleasant relations. He made final calls on all his friends in Macao, and received from the American citizens of Canton a warm letter of appreciation. When he embarked on August 27 on the *Perry*, he told his suite that he had not set foot on Chinese soil during the entire negotiations, Macao, where the work was done, being entirely under Portuguese jurisdiction.

On September 9, after Cushing had sailed, Kiyeng sent to him two letters, — one official and the other informal, — to notify him that the Emperor had ratified the Treaty of Wang Hiya. He said in part:

“More than a month has elapsed since our separation. Though far separated, I hope that your voyage may be altogether prosperous and happy. Certainly this is my constant desire. To every article of the Treaty which we negotiated on a former occasion, I have received a reply from the respective boards (at Peking) that to each and every article they reply, ‘Let it be granted.’ As in duty bound, I now send a flying despatch to (the authorities) of each of the ports that they examine and manage according thereto. I have also made a duly prepared despatch giving you notice of the same. But having received the treaty ratified by the Emperor, I now respectfully receive and hold that copy till the arrival of the one ratified by your honorable nation, when they will be exchanged, which I am aware you will concern yourself to attend to. But, as behooveth me, I beforehand inform you for your full information. While I have this opportunity of wishing you peace and happiness, I cannot repress the spontaneous goings-forth of my kind regards towards you.”

Two weeks later, Kiyeng forwarded to Cushing a portrait of himself, together with his warm good wishes. The two diplomatists never met again.

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The *Perry*, after touching for a few hours at Hong Kong, set sail on its long voyage across the Pacific, — a voyage broken only by a few days at the Hawaiian Islands. During the tedious weeks on shipboard, Cushing prepared some additional communications to the Department of State, especially on his favorite theme of "exterritoriality." But he was glad to have leisure to meditate, for he had received strange reports of what had been going on at home in politics, and he realized that the moment was near at hand when he must make another of those critical decisions with which his life was so full. Judge Wilde had written on May 15:

"I cannot prophesy how you will find things on your return, but my opinion is that you will find the Whigs the dominant party. They are all excited through the Union. Webster has come out with several speeches in favor of Clay, which have been much applauded, & has fully reconciled those who were so much displeased with his former speech here. On the other hand, the Democrats are very much divided, & are abusing each other publicly and privately, much to the gratification of the Whigs. You will see in the newspapers all that is in agitation about the treaty for the annexation of Texas. As Clay & Van Buren have both come out in opposition to the scheme, it is thought that the Democrats will select their candidate with a view of resting their chance on that question, which is a favorite object with the slave-holding states, but whether to all of them is not, I believe, known. Some say Cass will be selected, but he seems to think it ought not to be done without the consent of Mexico. Some think they will be compelled at last to take Tyler, who has no scruples. I hardly think so, but, as before remarked, I think whoever is the Democratic candidate, he will be defeated."

Wilde's prophecies turned out to be erroneous, but there was in what he had to say ample food for Caleb Cushing's thoughts. At odds with most of the Whigs but not yet certain that he desired a welcome from the

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Democrats, he was indeed a man without a party, safe only so long as John Tyler remained in power. From his own district, he learned that Amos Abbot had at last been elected to Congress by a small majority; but Henry Johnson wrote, "We should not know that we have a representative, were it not that his name is occasionally published among the yeas and nays." It is not astonishing that, with these problems confronting him, Cushing used to pace thoughtfully up and down the deck of the *Perry*, so absorbed that he noticed nothing around him and resented any interruption.

With one item of news he was much pleased. Clay had done his best to block the approval of Cushing's appointment. On January 24, 1844, he had written Crittenden:

"If Mr. Tyler's present dispositions do not lead you to attach an undue importance to them, nor induce the Senate to confirm nominations which they ought to reject, they are not to be regretted. Among these nominations are Cushing's, Proffit's, and Spencer's, the latter decidedly the most important of them all. Does any man believe these men true or faithful or honest? If Spencer be confirmed, he will have run a short career of more profitable conduct and good luck than any man I recollect."

Fortunately the Senate were not so senseless as not to be able to recognize a *fait accompli*. Cushing, after all, was in Macao. A treaty was about to be made. In the end, after some vain and rather foolish discussion, the nomination of Cushing was confirmed, and the Whigs took their revenge on Tyler in less petty ways.

After a voyage of more than nine weeks, Caleb Cushing left the *Perry* at San Blas, Mexico, and rode on horseback to Guadalajara, at which place he took a diligence for Mexico City, his route lying directly through

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two hostile revolutionary armies. What he had learned from his correspondents about American politics convinced him that a knowledge of Mexican affairs would undoubtedly be an asset during the next few years, and he seized every favorable opportunity for gathering information. His delight in seeing a new country was, however, tempered by an annoying episode. While his coach was bowling along the national highway, between Puebla and Perote, a band of brigands suddenly appeared, wearing masks and armed with swords and pistols. In true bandit fashion, they halted the vehicle, and robbed Cushing of some of his most valuable possessions, including most of his books and private papers. Incensed by this outrage in broad daylight, Cushing complained to the Alcalde in the village of El Pinal, but that official merely shrugged his shoulders, remained imperturbable, and would take no measures to apprehend the criminals. Cushing was by this time in a passion. After the stolid Mayor had shaken his head a dozen times, the American Commissioner said in his best Castilian, — which was excellent, — “ You may not care to listen to me now, but I shall some day return with an American Army at my back, and you may change your tune then.”

The sequel now remains to be told. It was rather less than four years later that Cushing, a Brigadier General in the American forces invading Mexico, passed through the same village of El Pinal, on his march to the aid of Scott. When he heard the familiar name, the incident of the robbery, already half-forgotten, came back to his memory. He sent a troop of guards to bring the Alcalde before him; and soon the trembling Mexican appeared, not knowing why he had been seized but expecting nothing less than immediate execution. General Cushing, assuming his sternest mien, then reminded the Mayor of

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their former meeting, explaining, with grim humor, that the United States never left unavenged such insults to its representatives, and leaving it to be inferred that this powerful army was there to exact reparation for the indignity offered him in 1844. The Alcalde was abjectly, tearfully, tragically penitent, and cringed at his captor's feet in submission. At last Cushing released him, after having made him swear most solemnly never again to receive a complaining traveller with such indifference.

During this overland journey from Mexico to Vera Cruz, Cushing acquired a considerable knowledge of Mexican character, — a knowledge which, it may be added, led him to view war with that country with approbation and even with elation. What he saw of Mexican sloth, procrastination, shiftlessness, bigotry, and treachery gave him an insuperable prejudice against that nation.¹ He was very thankful when he arrived safely at Vera Cruz. There he took passage on the barque *Eugenia*, which brought him, after eighteen days, to New York, on the last day of 1844, after an absence of seventeen months.

The Treaty of Wang Hiya had been read to the Senate at a secret session on December 10; and Cushing, proceeding directly to Washington, had an opportunity to talk with leading Senators regarding its ratification. There was never any doubt about the outcome. Even the most rabid anti-Tyler men did not dare to defy public opinion. On January 16, 1845, it was approved by a unanimous vote, and was signed by the President on the

¹ Cushing's report on Mexico, dated March 22, 1845, was exhaustive and authoritative, and was used extensively by the War Department two years later, during Scott's campaign. Some of the same material was used by Cushing in his lecture on Mexico, which he gave many times in 1845 and 1846.

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following morning. Ratifications were solemnly exchanged at Canton on December 31, 1845, Commodore Biddle representing the United States. The Treaty of Wang Hiya was formally proclaimed on April 18, 1846.

John Tyler was not the man to restrain his jubilation over Cushing's achievement. At private gatherings he spoke of the mission with unaffected delight; and, on the evening of March 3, 1845, at a farewell dinner in the White House, he gave more public expression to his emotions. When General Van Ness addressed him in eulogistic words, the President responded with a moving reference to the "few noble-hearted and talented men" who had stood by him through sunshine and shadow, one of whom had just returned, after having concluded an important treaty with a vast empire and thrown open the trade of more than one hundred millions of people to American commerce.

Nor had Caleb Cushing forgotten John Tyler. He had brought with him, fortunately unharmed by brigands, some exquisite specimens of Chinese porcelain as his gift to the President. The latter wrote Cushing of his grateful appreciation:

"I have to express my sincere thanks for the beautiful Chinese vases which had reached here in safety before my return. Mrs. Tyler has already assigned them their appropriate position in her drawing-room. They will serve continually to remind me of you, and of the happy selection it was my fortune to make of the first minister to the Celestial Empire ever appointed by the government, as well as of the prompt and able manner in which he acquitted himself of his important mission. I can only regret, my dear sir, that the present administration should permit you to remain in private life for a day, seeing the critical condition of our foreign affairs and the great importance of putting into requisition the best talents which our country affords. You may well be content to repose on the

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laurels which you have already won, but it is a different question so far as the country is concerned."

Cushing brought back with him a portfolio of drawings and water-colors made with some skill by George R. West, the official draftsman for the mission. West undertook to reproduce for posterity many of the picturesque scenes and incidents with which they met during the journey to and from China. Little sketches of Macao, its shrines, its quaint streets, its fascinating people, seem very vivid even to-day. West preserved excellent pictures of the temple of Wang Hiya, where the Treaty was signed. Views of His Excellency, Caleb Cushing, on a camel in the Egyptian desert, or being shaved by a Chinese barber, or pacing to and fro on the bridge of the *Perry* remind us that even the great have their less god-like moments. All these drawings, to the number of more than a hundred, were carefully preserved by Cushing, and were never reopened until a year or two ago. He also carried back five boxes of minerals, collected in different countries including Gibraltar, Malta, Egypt, India, and China.

Cushing took pains to bring with him some valuable pottery and jewels for the members of his immediate family, together with idols, joss-sticks, toys, and other oddities. The library of Chinese books which he had accumulated was one of the most complete ever owned by an American, and included specimens of all the best Oriental literature. Many of Cushing's curios, including the portrait of Commissioner Kiyeng, were exhibited in the Chinese Museum in Boston, opened in September, 1845.

John Tyler's extraordinary letter to the Emperor of China had not as yet been answered; but on February 11,

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1845, Dr. Peter Parker wrote Cushing, enclosing a translation of the Emperor's reply and describing the way in which it had been delivered to him:

"I was invited to a dinner at Ching's to meet the Emperor's representatives, where the long expected letter was delivered with due formality, and a most sumptuous dinner was provided in honor of the august personage on whose errand they were sent. Of all the Chinese dinners I have witnessed, this was the most remarkable both for the variety of dishes and their richness.

After the ceremonies of meeting were over, we were invited to a retired room where, in the presence only of these three persons, the Emperor's letter was delivered, with the observation from Hwang that it was an occurrence of a myriad of years. Both Hwang and Chow were eloquent in the assurances of His Majesty's gratification in receiving the President's letter & the sincere regard entertained for the people of the United States. Greater apparent cordiality and friendship could not have been manifested."

The Emperor's letter consisted of a roll, seven feet long and three feet wide. The writing was on a field of yellow silk, embroidered in gold thread, in two languages, — Chinese and Manchu, — and in characters of large size. This roll, in a wrapper of yellow silk, was enclosed in an oblong box of rose-wood, padded and lined with silk of the same quality. The letter itself was most courteous in tone, and was a fitting reply to the words which Webster had employed in addressing the Oriental sovereign. It was received, however, by James Knox Polk, who had, by that date, succeeded Tyler as President of the United States.

There were moments when Caleb Cushing had reason to wish that he could forget the Chinese Mission. The cost, as we have seen, had exceeded the original appropriation, and it was necessary to pass a Congressional

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Act before the additional expenses could be legally defrayed by the Secretary of the Treasury. Cushing himself, who was considerably out of pocket by the expedition, had naturally a wish to be reimbursed, and watched the proceedings in the House with much interest, knowing, as he did, that republics are notoriously ungrateful. Indeed the usual group of his enemies did do their best to prevent any additional payments, either to him or to Fletcher Webster. In March, 1845, Daniel Webster wrote Cushing:

“Mr. Evans inserted the *appropriation* in the Civil and Diplomatic Bill, & the Senate passed it, but the H. of R. *non-concurred* with this, & other amendments of the Senate; & the whole subject is now before a Com. of Conference of which Gen'l McKay is Chairman, on the part of the H. of R. Mr. Evans finds him disposed to object, for no very plain reason.

It is not, of course, important to you, whether the appropriation pass now, or hereafter, but it is of considerable importance to Fletcher.

If you can do anything in the case, I should be glad. The Com. meets this morning.

Eventually the narrow-minded opposition was obliged to yield and the extra appropriation was maneuvered through Congress. Cushing was discharged from his duties as Commissioner on March 13, 1845.

The Cushing mission, because of the wide publicity which it received and the unique character which it possessed, had stimulated American curiosity regarding China and its people. Cushing had barely arrived in Washington before he was besieged with requests for Lyceum lectures. During the autumn of 1845, he spent most of his time in travelling from one city to another, speaking before large audiences in most of the important places of the East. He grew familiar with all the fan-

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tastic contrasts, the hardships and the horrors, which beset the career of the platform orator. But he was in constant demand, and was soon as well known as Edward Everett and Wendell Phillips, his chief rivals in the Lyceum field.

At this time also Cushing's always smoldering desire for literary success was rekindled, and he contemplated the preparation of a book on China, — a three-volume work, along the lines of Prescott's *Peru* and *Mexico*. Some correspondence with D. Appleton and Company showed that they were eager to publish such a book, and he received much encouragement from friends, who recognized the peculiar qualifications which he possessed for writing on that subject. The Mexican War, however, made postponement necessary, and, when Cushing again had the necessary leisure, the value of timeliness had been lost.

From the date of Caleb Cushing's mission until the present day American relations with China have been steadily improving. Although the fact was not immediately noticeable, the Treaty of Wang Hiya marked the beginning of a new period. Little by little, the Chinese yielded to Western influences, abandoned their provincial restrictions over foreign trade, and treated other nations on a basis of equality. Shortly after the successful termination of the American negotiations, the French consummated a similar agreement, thus bringing all the great Western nations into close trade relationship with the Far East. After Cushing's resignation, Alexander H. Everett, brother of Edward Everett and one of Cushing's friends and correspondents, was appointed Commissioner, but died at Canton within a year after leaving the United States. Under his successor, John W. Davis, peaceable relations were maintained with the Chinese,

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and consular officials were installed at the open ports. From 1850 on, there was constant disturbance in China, but in 1858, William B. Reed, who had been named by President Buchanan as Minister to China, joined with representatives from Russia, England, and France, in forcing the Chinese Government to arrange new and separate treaties with each nation involved. Thus even more liberal privileges were secured for American merchants. This is not the place, of course, for a history of our further relations with the Chinese. It is sufficient here to point out one of Caleb Cushing's chief distinctions,—that he opened the way for what is now a pleasant and profitable relationship between two important powers.

The Chinese Mission proved that Caleb Cushing was a gifted diplomat. His thorough acquaintance with international law, his facility and fluency of literary expression, his quick perceptions, his persistence in the face of difficulties, his dignified bearing and straight-forward character, his pride in his country and solicitude for her position among nations,—all these were qualities which equipped him for any ambassadorial post. In certain other governments,—Great Britain, for instance,—natural qualities like his would have been properly valued and put to use in the permanent diplomatic *corps*. In the United States, however, his venture into treaty-making was merely an incident in an active political career. He had once more demonstrated his versatility, his ability by sheer force of will to drive his intellect along channels with which he had heretofore been unacquainted. Now he was to return to the turmoil of public life, from which he never seemed able to escape for any length of time and for which he was not by temperment really adapted.

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